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No. 40] NEW DELHI, OCTOBER 7—OCTOBER 13, 2018, SATURDAY/ASVINA 15—ASVINA 21, 1940

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 4 अक्टूबर, 2018

का.आ. 1465.—केन्द्रीय सरकार, भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 45-झ-क की उप-धारा (7) के उपबंधों के अंतर्गत गैर-बैंकिंग वित्तीय कंपनी की अपील के संबंध में निर्णय लेने हेतु सुश्री अंजना दुबे, उप महानिदेशक, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को पदनामित करती है। इसे सर्वसाधारण की सूचना हेतु प्रकाशित किया जाता है।

[फा. सं. 7/114/2009-बीओए]

ए. के. घोष, अवर सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 4th October, 2018

S.O. 1465.—Ms. Anjana Dube, Deputy Director General in the Department of Financial Services, Ministry of Finance, Government of India is designated by the Central Government to decide the appeal of a non-banking financial

company under the provisions of sub-section (7) of section 45-1A of the Reserve Bank of India Act, 1934 (2 of 1934). This is published for general information.

[F. No. 7/114/2009-BOA]

A. K. GHOSH, Under Secy.

कृषि एवं किसान कल्याण मंत्रालय

(कृषि, सहकारिता एवं किसान कल्याण विभाग)

नई दिल्ली, 11 अक्टूबर, 2018

का.आ. 1466—बहु-राज्यीय सहकारी समितियां अधिनियम, 2002 (2002 का 39) के खंड 4 के उपखंड (I) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार की अधिसूचना सं. एल-11012/2/2003-एल एवं एम दिनांक 14 जून, 2018 के अधिक्रमण में केन्द्र सरकार एतद्वारा डॉ. अभिलक्ष लिखी, IAS (HY:91), संयुक्त सचिव (सहकारिता) को कृषि एवं किसान कल्याण मंत्रालय, कृषि, सहकारिता एवं किसान कल्याण विभाग में तत्काल प्रभाव से अथवा अगले आदेशों तक सहकारी समितियों के केन्द्रीय पंजीयक के रूप में नियुक्त करती है।

[फा. सं. एल-11012/2/2003-एल एवं एम]

सुशील कुमार झा, अवर सचिव

MINISTRY OF AGRICULTURE AND FARMERS WELFARE

(Department of Agriculture, Cooperation and Farmers Welfare)

New Delhi, the 11th October, 2018

S.O. 1466.—In exercise of the powers conferred vide sub-section (1) of Section 4 of the Multi State Cooperative Societies Act, 2002 (39 of 2002) and in supersession of the Government of India Notification No. L-11012/2/2003-L&M dated 14th June, 2018, the Central Government hereby appoints Dr. Abhilaksh Likhi, IAS (HY:91), Joint Secretary (Cooperation) in the Ministry of Agriculture and Farmers Welfare, Department of Agriculture, Cooperation and Farmers Welfare, as the Central Registrar of Cooperative Societies with immediate effect and until further orders.

[F. No. L-11012/2/2003-L&M]

SUSHIL KUMAR JHA, Under Secy.

नागर विमानन मंत्रालय

नई दिल्ली, 4 अक्टूबर, 2018

का.आ.1467.—राष्ट्रपति, एअर इंडिया लिमिटेड संस्था के बर्हिनियमों के खंड 98 में प्रदत्त शक्तियों के उपयोग द्वारा इस अधिसूचना को जारी किए जाने की तिथि से 3 वर्ष की अवधि के लिए अथवा आगामी आदेशों तक, जो भी पहले हो, श्रीमती दग्गुबती पुरंदेश्वरी को एअर इंडिया के निदेशक मंडल में गैर-सरकारी निदेशक के पद पर सहर्ष नियुक्त करते हैं।

[फा. सं. एवी-18013/007/2007-एआई]

चन्द्र किशोर शुक्ला, अवर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 4th October, 2018

S.O. 1467.—In exercise of the powers conferred under section 98 of the Articles of Association of the Air India Limited, the President is pleased to appoint Smt. Dagubati Purandeswari as part-time non-official Director on the Board of Air India Limited for a period of 3 years from the date of issue of this Notification or until further orders, whichever is earlier.

[F. No. AV-18013/007/2007-AI]

CHANDRA KISHORE SHUKLA, Under Secy.

कोयला मंत्रालय

नई दिल्ली, 10 अक्टूबर, 2018

का.आ. 1468.—केन्द्रीय सरकार को यह प्रतीत होता है कि इसके उपाबद्ध अनुसूची में वर्णित परिक्षेत्र की भूमि में से कोयला अभिप्राप्त होने की संभावना है;

और उक्त अनुसूची में वर्णित भूमि के क्षेत्र में अंतर्विष्ट करने वाला रेखांक संख्यांक आर.ई.वी./03/2018, तारीख 6 अगस्त, 2018 का निरीक्षण सेंट्रल कोलफील्ड्स लिमिटेड (भूमि और राजस्व विभाग), दरभंगा हाउस, राँची – 834029 (झारखण्ड) के कार्यालय में या महाप्रबंधक, सेंट्रल कोलफील्ड्स लिमिटेड, मगध-आम्रपाली क्षेत्र, जिला- चतरा (झारखण्ड) या महाप्रबंधक (खोज प्रभाग) आर.आई.-III, केन्द्रीय खान योजना एवं डिजाईन संस्थान लिमिटेड, गोंडवाना पैलेस, कांके रोड, राँची (झारखंड) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता- 700001 के कार्यालय में किया जा सकता है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है।

पूर्वोक्त अनुसूची में वर्णित भूमि में हितवद्ध कोई व्यक्ति, -

- (i) सम्पूर्ण भूमि या उसके किसी भाग या उक्त भूमि में या उसके ऊपर किसी अधिकार के अर्जन पर आक्षेप कर सकेगा; या
- (ii) उक्त अधिनियम की धारा 4 की उप-धारा (3) के अधीन की गई कार्रवाई से हुई क्षति या संभावित क्षति, अधिनियम की धारा 6 के अधीन किसी नुकसानी के लिए प्रतिकर का दावा कर सकेगा; या
- (iii) उक्त अधिनियम की धारा 13 की उप - धारा (1) के अधीन समाप्त हो गई पूर्वोक्षण अनुज्ञप्तियों के संबंध में या उक्त अधिनियम की धारा 13 की उप - धारा (4) के अधीन समाप्त हो गये खनन पट्टे के लिए प्रतिकर का दावा कर सकेगा और उक्त अधिनियम की धारा 13 की उपधारा (1) के खण्ड (i) से खंड (iv) में विनिर्दिष्ट मदों के संबंध में उपगत व्यय को उपदर्शित करने के लिए पूर्वोक्त भूमि से संबन्धित सभी मानचित्रों, सारणियों और अन्य दस्तावेजों को,

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर महाप्रबंधक, सेंट्रल कोलफील्ड्स लिमिटेड, मगध-आम्रपाली क्षेत्र, जिला- चतरा (झारखण्ड) या महाप्रबंधक, सेंट्रल कोलफील्ड्स लिमिटेड, भूमि और राजस्व विभाग, दरभंगा हाउस, राँची – 834029 (झारखण्ड) को सुपुर्द करेगा।

अनुसूची

आम्रपाली विस्तार परियोजना

जिला- चतरा (झारखंड)

(रेखांक संख्यांक आर.ई.वी./ 03/2018, तारीख 6 अगस्त, 2018)

ब्लॉक	क्र.सं.	ग्राम	थाना सं.	थाना	जिला	क्षेत्र		टिप्पणियां
						एकड़ में	हेक्टेयर में	
ए	1.	मसीलौंग	61	टंडवा	चतरा	278.13	112.55	भाग
बी	2.	उर्सु	54	टंडवा	चतरा	8.00	3.24	भाग
सी	3.	कुमरांग कला	52	टंडवा	चतरा	10.00	4.05	भाग

डी	4.	कुमरांग खुर्द	51	टंडवा	चतरा	9.00	3.64	भाग
		कुल क्षेत्र: (ब्लॉक - ए + बी + सी + डी) =				305.13 एकड़ (लगभग)	123.48 हेक्टेयर (लगभग)	

सीमा-वर्णन:

ब्लॉक - ए	
क - ख - ग - घ -	रेखा, मसीलौंग ग्राम में बिन्दु 'क' से आरंभ होती है और बिन्दु ख, ग और घ से गुजरती है और आरंभिक बिन्दु 'क' पर मिलती है
ब्लॉक - बी	
ङ - च - छ - ज -	रेखा, उर्सु ग्राम में बिन्दु 'ङ' से आरंभ होती है और बिन्दु च, छ और ज से गुजरती है और आरंभिक बिन्दु 'ङ' पर मिलती है।
ब्लॉक - सी	
झ - ञ - ट - ठ -	रेखा, कुमरांग कला ग्राम में बिन्दु 'झ' से आरंभ होती है और बिन्दु ञ, ट और ठ से गुजरती है और आरंभिक बिन्दु 'झ' पर मिलती है।
ब्लॉक - डी	
ड - ढ - ण - त - थ - द -	रेखा, कुमरांग खुर्द ग्राम में बिन्दु 'ड' से आरंभ होती है और बिन्दु ढ, ण, त, थ और द से गुजरती है और आरंभिक बिन्दु 'ड' पर मिलती है

[फा. सं. 43015/13/2018-एलए एण्ड आईआर]

राम शिरोमणि सरोज, अवर सचिव

MINISTRY OF COALNew Delhi, the 10th October, 2018

S.O. 1468.—Whereas, it appears to the Central Government that coal is likely to be obtained from the land in the locality described in the Schedule annexed hereto;

And, whereas, the plan bearing number Rev/03/2018, dated the 6th August, 2018 containing details of the areas of land described in the said Schedule may be inspected at the office of the Central Coalfields Limited (Land and Revenue Department), Darbhanga House, Ranchi- 834029 (Jharkhand) or at the office of the General Manager, Central Coalfields Limited, Magadh - Amrapali Area, District-Chatra (Jharkhand) or at the office of the Deputy commissioner, District - Chatra (Jharkhand) or at the office of the General Manager (Exploration Division), RI- III, Central Mine Planning and Design Institute Limited, Gondwana Palace, Kanke Road, Ranchi (Jharkhand) or at the office of the Coal Controller, 1, Council House Street, Kolkata- 700 001;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal in land described in the said Schedule.

Any person interested in the land described in the above mentioned Schedule may —

- (i) object to the acquisition of the whole or any part of the land or of any rights in or over the said land; or

- (ii) claim compensation under section 6 of the said Act for any damage caused or likely to be caused by any action taken under sub-section (3) of section 4 thereof; or
- (iii) claim compensation under sub-section (1) of section 13 of the said Act in respect of prospecting license ceasing to have effect or under sub-section (4) of section 13 of the said Act, for mining lease ceasing to have effect and deliver all maps, charts and other documents relating to the aforesaid land to show the expenditure incurred in respect of items specified in clauses (i) to (iv) of sub-section (1) of section 13 of the said Act,

to the office of the General Manager, Central Coalfields Limited, Magadh-Amrapali Area, District – Chatra (Jharkhand) or General Manager, Central Coalfields Limited, Land and Revenue Department, Darbhanga House, Ranchi- 834029 (Jharkhand) within a period of ninety days from the date of publication of this notification.

SCHEDULE

AMRAPALI EXPANSION PROJECT DISTRICT- CHATRA (JHARKHAND)

[Plan bearing number Rev/03/2018, dated the 6th August, 2018]

Block	Sl. No.	Village	Thana No.	Thana	District	Area		Remarks
						In acres	In hectares	
A	1.	Masilong	61	Tandwa	Chatra	278.13	112.55	Part
B	2.	Ursu	54	Tandwa	Chatra	8.00	3.24	Part
C	3.	Kumrang Kalan	52	Tandwa	Chatra	10.00	4.05	Part
D	4.	Kumrang Khurd	51	Tandwa	Chatra	9.00	3.64	Part
Total Area : (Block – A+B+C+D) =						305.13 acres (approxim-ately)	123.48 hectares (approxim-ately)	

Boundary Description:

Block- A		
A-B-C-D	-	Line starts from point 'A' in Masilaung village and passes through points B, C and D and meets at starting point 'A'.
Block- B		
E-F-G-H	-	Line starts from point 'E' in Ursu village and passes through points F, G and H and meets at starting point 'E'.
Block- C		
I-J-K-L	-	Line starts from point 'I', in Kumrang Kalan village and passes through points J, K and L and meets at starting point 'I'.
Block- D		
M-N-O-P-Q-R	-	Line starts from point 'M', in Kumrang Khurd village and passes through points N, O, P, Q and R and meets at starting point 'M'.

[F. No. 43015/13/2018-LA&IR]

RAM SHIROMANI SAROJ, Under Secy.

नई दिल्ली, 10 अक्टूबर, 2018

का.आ. 1469.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 7 की उप-धारा (1) के अधीन जारी जो भारत सरकार के कोयला

मंत्रालय की अधिसूचना संख्यांक का.आ. 590(अ), तारीख 22 फरवरी, 2016, भारत के राजपत्र, भाग II खंड 3, उप-खंड (ii), तारीख 25 फरवरी 2016 में प्रकाशित और संशोधित अधिसूचना संख्यांक का.आ. 1136(अ), तारीख 13 मार्च, 2018, भारत के राजपत्र, भाग II खंड 3, उप-खंड (ii), तारीख 14 मार्च, 2018 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट 53.02 हेक्टेयर (लगभग) अथवा 130.95 एकड़ (लगभग) परिक्षेत्र की भूमि में और उस पर के सभी अधिकारों का अर्जन करने के अपने आशय की नोटिस दी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात और झारखंड सरकार से परामर्श करने के पश्चात यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 53.02 हेक्टेयर (लगभग) अथवा 130.95 एकड़ (लगभग), माप वाली भूमि के सभी अधिकारों का अर्जन किया जाना चाहिए;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 9 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इससे संलग्न अनुसूची में वर्णित 31.93 हेक्टेयर (लगभग) अथवा 78.90 एकड़ (लगभग), माप वाली भूमि में या उस पर के सभी अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्यांक आर.ई.वी./04/18, तारीख 9 अगस्त, 2018 का निरीक्षण उपायुक्त, जिला बोकारो, झारखंड के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता 700001 के कार्यालय में या महाप्रबंधक, ढोरी क्षेत्र, जिला बोकारो, झारखंड या महाप्रबंधक, भूमि और राजस्व, सेंट्रल कोलफील्ड्स लिमिटेड, दरभंगा हाउस, राँची- 834029, झारखंड या मुख्य महाप्रबंधक (खोज प्रभाग), सेंट्रल माइन प्लानिंग एण्ड डिजाइन इन्स्टीच्यूट लिमिटेड, गोंडवाना पैलेस, कांके रोड, राँची- 834008, झारखंड के कार्यालय में किया जा सकता है।

अनुसूची

पिछरी विवृत परियोजना-II

जिला – बोकारो (झारखंड)

(रेखांक संख्यांक आर.ई.वी./04 /18, तारीख 9 अगस्त, 2018)

सभी अधिकार:

क्र. सं.	ग्राम	थाना	थाना संख्या	जिला	क्षेत्र (हेक्टेयर में)	क्षेत्र (एकड़ में)	टिप्पणियां
1.	पिछरी	पेटरवार	49	बोकारो	31.93	78.90	भाग
कुल क्षेत्र :					31.93 हेक्टेयर (लगभग)	78.90 एकड़ (लगभग)	

ग्राम पिछरी में अर्जित की गई भूमि के प्लॉट संख्यांक :

1513 (भाग), 1579 (भाग), 1580, 1581 (भाग), 1582 (भाग), 1603 (भाग), 1604, 1605, 1606, 1607 (भाग), 1608 से 1615, 1616 (भाग), 1619, 1621, 1622 (भाग), 1623, 1624 से 1626, 1627 (भाग), 1628 (भाग), 1630, 1637, 1638, 1640, 1641, 1642, 1652 (भाग), 1653 से 1657, 1658 से 1660, 1662, 1669, 1670, 1671 (भाग), 1679 (भाग), 1680, 1681, 1682, 1683 (भाग), 1684, 1685 (भाग), 1686 (भाग), 1687 से 1692, 1693 (भाग), 1694 (भाग), 1696 से 1698, 1699 (भाग), 1700 (भाग), 1701, 1702, 1785 (भाग), 1843 (भाग), 1844 से 1847, 1849, 1850 (भाग), 1851, 1854 से 1859, 1861 से 1863, 1868, 1877, 1882, 1884 से 1890, 1891, 1892, 1893 (भाग), 1900 (भाग), 1901, 1902, 1903, 1904 से 1916, 1918, 1919 (भाग), 1921, 1922,

1923 (भाग), 1924 से 1946, 1947, 1948 से 1951, 1952, 1953, 1954, 1955 (भाग), 1960 (भाग), 1961 से 1964, 1965 (भाग), 1966 (भाग), 1983 (भाग), 1984 (भाग), 1985 से 1987, 1988 (भाग), 1990 (भाग), 1991, 1992 (भाग), 1993, 1994 (भाग), 1995, 1996, 1997 (भाग), 2089 (भाग), 2090, 2091 से 2098, 2099 (भाग), 2100 से 2105, 2107 से 2112, 2113 (भाग), 2114 (भाग), 2130 (भाग), 2134 (भाग), 2135 (भाग), 2136, 2137 (भाग), 2138 (भाग), 2139, 2140 से 2142, 2143 (भाग), 2145 से 2156, 2158 (भाग), 2159, 2160, 2161, 2162, 2163 (भाग), 2164, 2165 और 2166 (भाग)।

सीमा वर्णन:

क-ख-ग-घ	- रेखा, बिन्दु 'क' से आरंभ करती है और प्लॉट संख्यांक 1513, 1579, 1581, 1582, 1607, 1606, 1603, 1699, 1700, 1701, 1702, 1703, 1695 से गुजरती है और बिन्दु 'घ' पर मिलती है।
घ-ङ-च-छ	- रेखा, प्लॉट संख्यांक 1695, 1694, 1693, 1686, 1683, 1685, 1684, 1785 से गुजरती है और बिन्दु 'छ' पर मिलती है।
छ-ज-झ-ञ-ट	- रेखा, प्लॉट संख्यांक 1785, 1843, 1893, 1900, 1897, 1953, 1954, 1955, 1960, 1965, 1966, 1967, 1968, 1969, 1980, 1981, 1983 से गुजरती है और बिन्दु 'ट' पर मिलती है।
ट-ठ-ड-ढ	- रेखा, प्लॉट संख्यांक 1983, 1984, 1988, 1991, 1992, 1993, 1994, 1997, 2089, 2090 से गुजरती है और बिन्दु 'ढ' पर मिलती है।
ढ-ण-त-थ-द-ध-न	- रेखा, प्लॉट संख्यांक 2090, 2105, 2104, 2107, 2111, 2112, 2113, 2114, 2138, 2137, 2130, 2134 से गुजरती है और बिन्दु 'न' पर मिलती है।
न-प-फ-ब-भ-म-क	- रेखा, प्लॉट संख्यांक 2134, 2143, 2145, 2147, 2148, 2149, 2150, 2152, 2154, 2157, 2158, 2163, 2166, 2099, 4309 से गुजरती है और दामोदर नदी के तल से गुजरती हुई और आरंभिक बिन्दु 'क' पर मिलती है।

[फा. सं. 43015/15/2014-एलए एण्ड आईआर]

राम शिरोमणि सरोज, अवर सचिव

New Delhi, the 10th October, 2018

S.O. 1469 .—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 590(E), dated the 22nd February, 2016 issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 25th February, 2016 and subsequently amendment thereof vide number S.O. 1136(E), dated the 13th March, 2018, issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 14th March, 2018, the Central Government gave notice of its intention to acquire all rights in and over the land measuring 53.02 hectares (approximately) or 130.95 acres (approximately) in the locality specified in the Schedule appended to that notification;

And whereas, the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government;

And whereas, the Central Government after considering the report aforesaid and after consulting the Government of Jharkhand is satisfied that the all rights in and over the land measuring 53.02 hectares (approximately) or 130.95 acres (approximately), described in the Schedule appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that all rights in and over the said land of 31.93 hectares (approximately) or 78.90 acres (approximately), described in the Schedule annexed hereto are hereby acquired.

The plan bearing number REV/04/18, dated the 9th August, 2018 of the area covered by this notification may be inspected in the Office of the Deputy Commissioner, District - Bokaro, Jharkhand or at the Office of Coal Controller, 1, Council House Street, Kolkata -700001 or in the Office of the of General Manager, Dhori Area, District Bokaro, Jharkhand or General Manager, Land and Revenue, Central Coalfields Limited, Darbhanga House, Ranchi- 834029, Jharkhand or Chief General Manager, (Exploration Division), Central Mine Planning and Design Institute Limited, Gondwana Palace, Kanke Road, Ranchi - 834008, Jharkhand.

SCHEDULE

Pichhri Opencast Project - II
District- Bokaro (Jharkhand)

[Plan bearing number REV/04/18, dated the 9th August, 2018]

All Rights:

Sl. No.	Village	Thana number	Thana	District	Area (in hectares)	Area (in acres)	Rema-rks
1.	Pichhri	49	Petarwar	Bokaro	31.93	78.90	Part
Total:					31.93 hectares (approximately)	78.90 acres (approximately)	

Plots numbers acquired in village Pichhri:

1513(P), 1579(P), 1580, 1581(P), 1582(P), 1603(P), 1604, 1605, 1606, 1607(P), 1608 to 1615, 1616(P), 1619, 1621, 1622(P), 1623, 1624 to 1626, 1627(P), 1628(P), 1630, 1637, 1638, 1640, 1641, 1642, 1652(P), 1653 to 1657, 1658 to 1660, 1662, 1669, 1670, 1671(P), 1679(P), 1680, 1681, 1682, 1683(P), 1684, 1685(P), 1686(P), 1687 to 1692, 1693(P), 1694(P), 1696 to 1698, 1699(P), 1700(P), 1701, 1702, 1785(P), 1843(P), 1844 to 1847, 1849, 1850(P), 1851, 1854 to 1859, 1861 to 1863, 1868, 1877, 1882, 1884 to 1890, 1891, 1892, 1893(P), 1900(P), 1901, 1902, 1903, 1904 to 1916, 1918, 1919(P), 1921, 1922, 1923(P), 1924 to 1946, 1947, 1948 to 1951, 1952, 1953, 1954, 1955(P), 1960(P), 1961 to 1964, 1965(P), 1966(P), 1983(P), 1984(P), 1985 to 1987, 1988(P), 1990(P), 1991, 1992(P), 1993, 1994(P), 1995, 1996, 1997(P), 2089(P), 2090, 2091 to 2098, 2099(P), 2100 to 2105, 2107 to 2112, 2113(P), 2114(P), 2130(P), 2134(P), 2135(P), 2136, 2137(P), 2138(P), 2139, 2140 to 2142, 2143(P), 2145 to 2156, 2158(P), 2159, 2160, 2161, 2162, 2163(P), 2164, 2165 and 2166(P).

Boundary description:

A-B-C-D	- Line starts from point 'A' and passes through plot numbers 1513, 1579, 1581, 1582, 1607, 1606, 1603, 1699, 1700, 1701, 1702, 1703, 1695 and meets at point 'D'.
D-E-F-G	- Line passes through plot numbers 1695, 1694, 1693, 1686, 1683, 1685, 1684, 1785 and meets at point 'G'.
G-H-I-J-K	- Line passes through plot numbers 1785, 1843, 1893, 1900, 1953, 1954, 1955, 1960, 1965, 1966, 1967, 1968, 1969, 1980, 1981, 1983 and meets at point 'K'.
K-L-M-N	- Line passes through plot numbers 1983, 1984, 1988, 1991, 1992, 1993, 1994, 1997, 2089, 2090 and meets at point 'N'.
N-O-P-Q-R-S-T	- Line passes through plot numbers 2090, 2105, 2104, 2107, 2111, 2112, 2113, 2114, 2138, 2137, 2130, 2134 and meets at point 'T'.
T-U-V-W-X-Y-A	- Line passes through plot numbers 2134, 2143, 2145, 2147, 2148, 2149, 2150, 2152, 2154, 2157, 2158, 2163, 2166, 2099, 4309 and passes through river bed of Damodar River and meets at starting point 'A'.

[F.No. 43015/15/2014-LA&IR]

RAM SHIROMANI SAROJ, Under Secy.

नई दिल्ली, 11 अक्टूबर, 2018

का.आ. 1470.—केन्द्रीय सरकार को प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है ;

और जबकि उक्त अनुसूची में वर्णित भूमि के क्षेत्र का ब्यौरा रेखांक संख्या एमसीएल/के.ए./अधिसूचना/2017-18/678, तारीख 24 फरवरी, 2018 का निरीक्षण, निदेशक तकनीकी (ओपी), महानदी कोलफील्ड्स लिमिटेड, जागृति विहार पर स्थित, डाक-बुर्ला, जिला-सम्बलपुर, ओडिशा -768018 के कार्यालय में या मुख्य महाप्रबंधक(खोज विभाग), केन्द्रीय खान योजना और डिजाइन संस्थान लिमिटेड, गोंडवाना प्लेस, कांके रोड, रांची (झारखंड) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता -700001 के कार्यालय में या जिला कलेक्टर, जिला अंगुल, ओडिशा के कार्यालय में किया जा सकता है ;

अतः अब, केन्द्रीय सरकार कोयला धारक क्षेत्र(अर्जन और विकास) अधिनियम 1957(1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, —

- (i) सम्पूर्ण भूमि या उसके किसी भाग या उक्त भूमि में या उसके ऊपर किसी अधिकार के अर्जन पर आक्षेप कर सकेगा; या
- (ii) उक्त अधिनियम की धारा 4 की उप-धारा (3) के अधीन की गई कार्रवाई से हुई क्षति या संभावित क्षति के लिए उसकी धारा 6 के अधीन किसी नुकसानी के लिए प्रतिकर का दावा कर सकेगा; या
- (iii) उक्त अधिनियम की धारा 13 की उप - धारा (1) के अधीन समाप्त हो गई पूर्वेक्षण अनुज्ञप्तियों के संबंध में या उक्त अधिनियम की धारा 13 की उप - धारा (4) के अधीन समाप्त हो गये खनन पट्टे के लिए प्रतिकर का दावा कर सकेगा और उक्त अधिनियम की धारा 13 की उप-धारा (1) के खण्ड (i) से खंड (iv) में विनिर्दिष्ट मदों के संबंध में उपगत व्यय को उपदर्शित करने के लिए पूर्वोक्त भूमि से संबंधित सभी मानचित्रों, चार्टों और अन्य दस्तावेजों को,

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर निदेशक तकनीकी (ओपी), महानदी कोलफील्ड्स लिमिटेड, जागृति विहार पर स्थित, डाक-बुर्ला, जिला-सम्बलपुर, ओडिशा -768018 के कार्यालय में भेजेंगे।

अनुसूची

कनिहा कोल ब्लॉक

जिला-अंगुल, ओडिशा

[रेखांक संख्या एमसीएल/के.ए./अधिसूचना/2017-18/678, तारीख 24 फरवरी, 2018]

क्रमांक	ग्राम का नाम	पटवारी सर्कल संख्या /थाना संख्या	तहसील	जिला	हेक्टेयर में क्षेत्र (लगभग)	टिप्पणियां
1	कंसासुंडा	136, 63	कनिहा	अंगुल	0.449	भाग
2	कनिहा	131, 60	कनिहा	अंगुल	1.477	भाग
3	छेलिया	175, 108	कनिहा	अंगुल	0.032	भाग

4	पथरामुंडा	178, 91	कनिहा	अंगुल	0.473	भाग
5	तेलीसिंघा	177, 90	कनिहा	अंगुल	0.040	भाग
6	गुंडुरीनाली	159, 88	कनिहा	अंगुल	0.024	भाग
						कुल : 2.495 हेक्टर (लगभग)
						या 6.17 एकड़ (लगभग)

अधिसूचित किए जाने वाले प्लॉट :

- (1) ग्राम कंसामुंडा में अर्जित किए जाने वाले प्लॉट संख्यांक: 4406/4905, 1691/4893, 1694/4894, 1913, 1914, 1915, 1924, 1925, 1928, 1933, 1926, 1927, 1929, 1932/4377, 1930, 1931, 1932, 3970/4350, 4042/4966, 4042/4967.
- (2) ग्राम कनिहा में अर्जित किए जाने वाले प्लॉट संख्यांक: 1596, 926/1775, 1559/1687, 1597, 1598, 1599/1780, 910/1839, 1006/1821, 1006/1799, 1006/1820, 1638/1824, 1638/1836, 1639/1837, 1638/1835, 1638/1833, 1638/1823, 741/1825, 741/1826, 1595, 1599, 1598/1691, 1595/1745.
- (3) ग्राम कनिहा में अर्जित किए जाने वाले प्लॉट संख्यांक: 1231/1681.
- (4) ग्राम पथरामुंडा में अर्जित किए जाने वाले प्लॉट संख्यांक: 1335, 228/3328, 120/3265, 120/3457.
- (5) ग्राम तेलीसिंघा में अर्जित किए जाने वाले प्लॉट संख्यांक: 2051/2533.
- (6) ग्राम गुंडुरीनाली में अर्जित किए जाने वाले प्लॉट संख्यांक: 1039/1707.

सीमा विवरण:

ब्लॉक- 'क' :

ठ - ड : रेखा बिन्दु " ठ " से प्रारंभ होती है जो कंसामुंडा, कनिहा ग्राम और गोहीराडंडा आर.एफ. के मिलन बिन्दु (त्रि-जंक्शन) पर स्थित पिलर के पास स्थित है । इसके बाद यह कनिहा और कंसामुंडा ग्राम की सम्मिलित सीमा के साथ चलती हुई पूर्व दिशा जाती हुई कंसामुंडा ग्राम की प्लॉट संख्या 1507, 1508, 1509, की उत्तरी सीमा होते हुए कंसामुंडा ग्राम की प्लॉट संख्या 1509 के उत्तर-पूर्व कोने तक जाती है । इसके पश्चात, रेखा कनिहा ग्राम में प्रवेश करती है और उत्तर दिशा में जाती हुई प्लॉट संख्या 1777 के पश्चिम, उत्तर एवं पूर्व सीमा को छूती है । प्लॉट संख्या 966 की उत्तरी सीमा को भगत: से छूती हुई प्लॉट संख्या 981 के उत्तरी कोने तक जाती है । यही रेखा प्लॉट संख्या 980, 979, 1027 की उत्तरी सीमा, प्लॉट संख्या 1026 की उत्तर- पूर्वी कोने की तरफ जाती हुई प्लॉट संख्या 1026 के उत्तर- पूर्वी कोने तक जाती है । रेखा उत्तर-पूर्व दिशा में प्लॉट संख्या 1021 की उत्तर-पश्चिम सीमा के साथ जाती हुई, प्लॉट संख्या 1020 की पश्चिमी और उत्तर सीमा से भागत: रूप से तथा प्लॉट संख्या 1008, 1009, 1146 की उत्तरी सीमा के साथ जरडा और कनिहा ग्राम की पश्चिमी छोर तक जाती है । इस ग्राम की सड़क को पार करने के बाद रेखा प्लॉट संख्या 1641 की उत्तरी सीमा के साथ कनिहा और पथरमुंडा ग्राम की सम्मिलित सीमा के साथ बढ़ती है । इसके बाद रेखा पथरमुंडा ग्राम में प्रवेश करती है और प्लॉट संख्या 138 की पश्चिमी सीमा के साथ भागत: दक्षिण दिशा में जाती हुई इसी प्लॉट के दक्षिण- पश्चिम कोने तक जाती है । इसके बाद प्लॉट संख्या 138, 3197 की दक्षिणी सीमा के साथ रेखा पूर्व की तरफ जाती हुई प्लॉट संख्या 3197 के दक्षिण-पूर्वी कोने तक जाती है । यही रेखा उत्तर- पूर्व दिशा में जाती हुई प्लॉट संख्या 142 की सीमा के साथ भागत: रूप से , प्लॉट संख्या 175, 176 की उत्तरी सीमा, प्लॉट संख्या 456, 455, 453 की दक्षिणी सीमा के साथ जाती हुई प्लॉट संख्या 453 के दक्षिण- पूर्व कोने तक

जाती है। यह उत्तर दिशा की ओर मुड़ती हुई प्लॉट संख्या 453 की पूर्वी सीमा तक जाती हुई प्लॉट संख्या 452 के उत्तर-पश्चिम कोने तक जाती है। यह रेखा प्लॉट संख्या 564,565, 566,579,3218,584 एवं 586 की दक्षिणी सीमा के साथ पूर्व दिशा में जाती हुई प्लॉट संख्या 586 के दक्षिण – पूर्व कोने तक जाते हैं। पुनः यह रेखा उत्तर की ओर मुड़ती है और इसी प्लॉट की पूर्वी सीमा तक होती हुई प्लॉट संख्या 586 के उत्तरी कोने तक जाती है। यह पूर्व दिशा की ओर मुड़ती हुई प्लॉट संख्या 574,590 की दक्षिणी सीमा को आंशिक रूप तक जाती हुई प्लॉट संख्या 590 के दक्षिण-पूर्व कोने तक जाती है। इसके पश्चात्, रेखा दक्षिण-पूर्व दिशा की ओर जाती हुई प्लॉट संख्या 589,588 की पश्चिमी सीमा के साथ प्लॉट संख्या 587 की दक्षिणी सीमा को भागतः होती हुई प्लॉट संख्या 596,598,599 की दक्षिणी सीमा से होती हुई बिन्दु “ड” को छूती है जो पथरमुंडा और तेलिसिंघा सड़क के पश्चिमी की ओर स्थित है।

ड – ढ : रेखा “ड” से प्रारंभ होती है और दक्षिण दिशा की ओर मुड़ती हुई पथरमुंडा और तेलिसिंघा सड़क के पूर्वी सीमा के साथ दक्षिण दिशा की ओर बढ़ती हुई प्लॉट संख्या 3166 के उत्तरी कोने तक जा कर बिन्दु “ढ” पर मिलती है।

ढ – ण : रेखा “ढ” से प्रारंभ होकर, तेलिसिंघा और पथरमुंडा ग्राम सड़क को पार करने के पश्चात् रेखा प्लॉट संख्या 355 की पूर्वी सीमा के साथ भागतः होकर दक्षिण दिशा की ओर मुड़ती है। इसके बाद प्लॉट संख्या 355 की दक्षिण दिशा की सीमा के साथ चलती हुई पश्चिम दिशा की ओर मुड़ती है और प्लॉट संख्या 3271 की पूर्वी सीमा के साथ जाती हुई दक्षिण की तरफ जाती है। इसके बाद यह इसी प्लॉट की दक्षिणी सीमा के साथ पश्चिम की ओर जाती है और इसी प्लॉट की पश्चिमी सीमा के साथ उत्तर की ओर मुड़ती है। यही रेखा प्लॉट संख्या 341 की पश्चिमी सीमा, प्लॉट संख्या 340 की पूर्वी सीमा के साथ भाग से, प्लॉट संख्या 337,336 की पूर्वी सीमा, 334 की पूर्व और दक्षिणी सीमा, 3234,3293 की दक्षिणी सीमा के साथ पश्चिमी दिशा की ओर बढ़कर प्लॉट संख्या 3293 की दक्षिण-पश्चिम कोने से होते हुई बिन्दु “ण” पर मिलती है।

ण-त : रेखा बिन्दु “ण” से प्रारंभ होकर प्लॉट संख्या 3293 की पश्चिम-उत्तर सीमा के साथ चलती हुई प्लॉट संख्या 327,326 की उत्तरी सीमा प्लॉट संख्या 325,324,323 की पश्चिमी सीमा, प्लॉट संख्या 322,321 की दक्षिणी-पश्चिमी सीमा, प्लॉट संख्या 3188,270,271,272 की दक्षिणी सीमा, प्लॉट संख्या 284,286 की पूर्वी सीमा, प्लॉट संख्या 287,288 की उत्तर-पूर्व सीमा, प्लॉट संख्या 2357 की उत्तरी पूर्व-दक्षिणी सीमा, प्लॉट संख्या 300,301 की पूर्वी सीमा, प्लॉट संख्या 301 की दक्षिणी-पश्चिमी सीमा, प्लॉट संख्या 299,298,297,296,295,292,291,289 की पश्चिमी सीमा और प्लॉट संख्या 3263 की दक्षिणी तथा भागतः पश्चिमी सीमा, प्लॉट संख्या 3286 की दक्षिणी सीमा, प्लॉट संख्या 3286,3275 की पश्चिमी सीमा, प्लॉट संख्या 3191 की दक्षिणी-पश्चिमी सीमा से होकर जाती है। इसके बाद रेखा पश्चिम की ओर मुड़ती है और प्लॉट संख्या 3196 की दक्षिणी सीमा, प्लॉट संख्या 137 की दक्षिण-पूर्व सीमा के साथ चलती है। इसके बाद रेखा दक्षिण दिशा की ओर जाती है और कनिहा से जरडा तक जाने वाले ग्राम सड़क की पूर्वी सीमा के साथ चलती हुई प्लॉट संख्या 61 के उत्तरी कोने तक जाती है। इसके बाद यह दक्षिण दिशा की ओर चलती हुई प्लॉट संख्या 3266 की दक्षिण-पश्चिम सीमा से होकर प्लॉट संख्या 120 की भागतः दक्षिणी सीमा से होती हुई बिन्दु - “त” तक जाती है।

त – थ : रेखा बिन्दु – “त” से प्रारंभ होती है जो पथरमुंडा ग्राम की प्लॉट संख्या 93 के उत्तर-पूर्वी कोने पर स्थित है और प्लॉट संख्या 93,94 की पूर्वी सीमा के साथ होती हुई प्लॉट संख्या 105 के उत्तर-पूर्व और भागतः पश्चिमी सीमा, प्लॉट संख्या 106,119,118,116 की पूर्वी सीमा से होकर जाती है तथा तेलीसिंघा और पथरमुंडा ग्राम की सम्मिलित सीमा के साथ चलती है। यह रेखा बाई जंक्शन पिलर को पार करने के बाद प्लॉट संख्या 3294 को आंशिक रूप से पार करती है। इसके पश्चात्, प्लॉट संख्या 3294 भागतः की उत्तरी सीमा होते हुए बाई जंक्शन पिलर को पार करने के पश्चात् यह प्लॉट संख्या 3294 को भागतः साथ-साथ होती हुई प्लॉट संख्या 3291 की उत्तरी और पूर्वी सीमा के साथ चलती है। पुनः रेखा तेलीसिंघा और पथरमुंडा ग्रामों की सम्मिलित सीमा के साथ चलती है। बाई –जंक्शन पिलर को पार करने के पश्चात् रेखा प्लॉट संख्या 322 की पश्चिमी सीमा तथा प्लॉट संख्या 319 की पूर्वी, उत्तरी तथा पश्चिमी सीमा के साथ चलती है। पुनः रेखा प्लॉट संख्या 322 की पूर्वी सीमा के साथ-साथ उन्हीं ग्रामों के सम्मिलित सीमा तक जाती है। रेखा ग्राम की सीमा के साथ पूर्वी दिशा की ओर चलती हुई बिन्दु “थ” तक जाती है।

थ-द : रेखा बिन्दु “थ” से प्रारंभ होती है जो तेलीसिंघा ग्राम की प्लॉट संख्या 710 के उत्तर-पूर्व कोने पर स्थित है। तब, रेखा प्लॉट संख्या 3123,3124,3128,3129,3144 की पश्चिमी सीमा के साथ होती हुई प्लॉट संख्या 3145 की पश्चिमी और

दक्षिणी सीमा, प्लॉट संख्या 3146, 3147 की दक्षिणी सीमा, प्लॉट संख्या 3151 की पश्चिमी सीमा, प्लॉट संख्या 3152 की पश्चिम और दक्षिण की ओर से तेलीसिंघा और पथरमुंडा ग्राम की सम्मिलित सीमा पर बाई-जंक्शन पिलर तक पहुँचती है। इसके पश्चात रेखा तेलीसिंघा ग्राम में प्रवेश करती है और प्लॉट संख्या 771 के दक्षिण-पश्चिम में बिन्दु “द” तक जाती है।

द-ध : रेखा बिन्दु “द” से प्रारंभ होती है जो प्लॉट संख्या 772 के उत्तर-पश्चिम कोने और तेलीसिंघा रोड के उत्तर-पश्चिम की ओर स्थित है। रेखा “द - ध” उत्तर-पूर्व दिशा की ओर प्लॉट संख्या 771 की उत्तर-पूर्व तरफ से चलती हुई बिन्दु “ध” तक जाती है।

ध-न : रेखा बिन्दु “ध” से प्रारंभ होती है जो तेलीसिंघा, आम्बपाल और बीजीगोल ग्रामों के त्रि-जंक्शन पिलर पर स्थित है। तब रेखा तेलीसिंघा और बीजीगोल ग्राम की सम्मिलित सीमा के साथ चलती हुई उत्तर-पश्चिम दिशा की ओर बढ़कर तेलीसिंघा, लोधाबंध और बीजीगोल ग्रामों के त्रि-जंक्शन पिलर तक जाती है। पुनः यह रेखा उत्तर दिशा की ओर मुड़ती है और पथरमुंडा और लोधाबंध ग्रामों की सम्मिलित सीमा से होती हुई बिन्दु “न” तक जाती है।

न-प : रेखा बिन्दु “न” से प्रारंभ होती है जो पथरमुंडा ग्राम की प्लॉट संख्या 2849 के उत्तर-पूर्वी कोने पर स्थित है। फिर यह रेखा प्लॉट संख्या 2849, 2848, 2854 और 2855 की उत्तरी सीमा के साथ चलती है। इसके बाद यह उत्तर-पूर्व दिशा की ओर मुड़ती है और प्लॉट संख्या 2844 सड़क के पूर्वी किनारे से होकर जाती है। इसके बाद यह प्लॉट संख्या 2737, 2736, 2739, 2741 और 2805 की पूर्वी सीमा से होकर जाती है। यह रेखा प्लॉट संख्या 2805, 2801, 2800, 2790, 2791 की उत्तरी सीमा के साथ पश्चिम दिशा की ओर चलती हुई पथरमुंडा बस्ती में प्रवेश करती है और प्लॉट संख्या 1821, 1818 की उत्तरी सीमा के साथ चलती है। इसके बाद प्लॉट संख्या 1813 की पश्चिमी सीमा, 1813 की उत्तरी सीमा, 1548 की पूर्वी सीमा और 1548, 1547, 1546, 1545 की उत्तरी सीमा से होकर गुजरती और दक्षिण दिशा की ओर प्लॉट संख्या 1545 की पश्चिमी सीमा के साथ चलती है। पुनः यह पश्चिम दिशा की ओर प्लॉट संख्या 1560 के उत्तर-पश्चिम कोने और 3256, 1526, 1541 की उत्तरी सीमा के साथ मुड़ती है। पुनः यह दक्षिण दिशा की ओर प्लॉट संख्या 1540 की पूर्वी सीमा और 1539, 1537, 1533 की उत्तरी सीमा के साथ मुड़ती है। इसके पश्चात, यह दक्षिण दिशा की ओर मुड़ती हुई प्लॉट संख्या 1533 की पश्चिमी सीमा और 1534 की भागतः सीमा के साथ चलती है। इसके बाद यह रेखा उत्तर दिशा की ओर मुड़ती है तथा 1525 के पूर्वी किनारे के साथ 1526, 1522, 1514 की उत्तरी सीमा और 1513 के भाग के साथ चलती है। इसके पश्चात, यह 1295 की पूर्वी सीमा 1295 की उत्तरी सीमा, 1295 की आंशिक पश्चिमी सीमा से होकर गुजरती है। पुनः यह प्लॉट संख्या 3250 की उत्तरी सीमा को पार करती है एवं 1354 की सीमा को आंशिक छूती है। इसके बाद रेखा उत्तरी दिशा की ओर प्लॉट संख्या 1353, 1323, 1322 के पूर्वी किनारे के साथ चलती है। इसके बाद यह प्लॉट संख्या 1322 की उत्तरी सीमा, प्लॉट संख्या 1320 की उत्तर-पूर्व, प्लॉट संख्या 1319 की उत्तरी सीमा, प्लॉट संख्या 1319 की भागतः पश्चिमी सीमा, प्लॉट संख्या 1316, 1315 की उत्तरी सीमा से होकर जाती हुई गाँव की सड़क को छूती है। इस सड़क को पार करने के बाद रेखा प्लॉट संख्या 603, 602 की दक्षिणी सीमा, प्लॉट संख्या 602 की पश्चिमी, प्लॉट संख्या 515 की पूर्व-उत्तर सीमा से होकर गुजरती है। पुनः यह प्लॉट संख्या 517 की भागतः पश्चिम, प्लॉट संख्या 518 की दक्षिण, प्लॉट संख्या 519 की भागतः पूर्व, प्लॉट संख्या 519 की दक्षिण, प्लॉट संख्या 519 की पश्चिम से होकर गुजरती है। इसके पश्चात, यह प्लॉट संख्या 521, 522, 523 की दक्षिण-पश्चिम से होकर गुजरती है। पुनः यह रेखा प्लॉट संख्या 523 की पश्चिम, प्लॉट संख्या 523 के उत्तर से होकर गुजरती है। इसके पश्चात, यह प्लॉट संख्या 524 की उत्तरी सीमा, प्लॉट संख्या 525 के पूर्व, प्लॉट संख्या 525, 526 के उत्तर, प्लॉट संख्या 527 के पूर्व, प्लॉट संख्या 3242, 530 के उत्तर, प्लॉट संख्या 530 के पश्चिम से होकर गुजरती है। इसके पश्चात प्लॉट संख्या 534 के उत्तर, प्लॉट संख्या 535 के पूर्व, प्लॉट संख्या 535, 468 के उत्तर से होकर गुजरती है। इसके पश्चात, यह रेखा प्लॉट संख्या 3341 के भागतः पूर्वी भाग, प्लॉट संख्या 3341 के उत्तर, प्लॉट संख्या 3341 के पश्चिम, प्लॉट संख्या 3225 के दक्षिण के साथ उत्तर की ओर मुड़ती है। इसके पश्चात, यह रेखा कनिहा और पथरमुंडा की सम्मिलित सीमा को छूती है और और उत्तर की ओर मुड़ती है तथा उसी गाँव की सीमा के साथ बढ़ती हुई कनिहा बस्ती के बाई-जंक्शन पिलर तक जाती है। फिर, यह रेखा कनिहा बस्ती की दक्षिण सीमा साथ बढ़ती हुई कनिहा-जरडा ग्राम सड़क प्लॉट संख्या 1148 के बिन्दु-“प” को छूती है।

प-फ: रेखा बिन्दु “प” से प्रारंभ होती है और उत्तर दिशा की ओर मुड़ती है, कनिहा बस्ती सीमा के पश्चिमी किनारे के साथ आगे बढ़ते हुए प्लॉट संख्या 627 के पूर्वी कोने तक जाती है जो बिन्दु- “फ” है।

फ-ब: रेखा बिन्दु “फ” से प्रारंभ होती है और प्लॉट संख्या 627, 625, 624 और 623 की उत्तरी सीमा से होकर गुजरती है, फिर यह प्लॉट संख्या 635, 636 की पश्चिमी सीमा, प्लॉट संख्या 638, 640, 641, 642, 644, 646, 647, की उत्तरी सीमा तथा 648 से भागत: गुजरती है। इसके पश्चात, यह प्लॉट सं. 648, 650, 651, 653, 654, 1650 की पश्चिमी सीमा, प्लॉट संख्या 742 की उत्तरी सीमा, प्लॉट संख्या 743 की उत्तरी-पूर्वी, प्लॉट संख्या 750, 751 के आंशिक उत्तर, प्लॉट संख्या 752 के पूर्व, प्लॉट संख्या 752 के उत्तर, प्लॉट संख्या 772 के आंशिक पश्चिम से होती हुई पुन: यह रेखा प्लॉट संख्या 753, 754, 755, 770, 771, 772, 773 की उत्तरी सीमा, प्लॉट संख्या 773, 768 की पश्चिमी सीमा और 1784 की आंशिक उत्तर-पश्चिम सीमा से होकर गुजरती है। इसके पश्चात, यह प्लॉट सं. 777 के उत्तर प्लॉट संख्या 777 के पश्चिम प्लॉट संख्या 779 के उत्तर से होकर गुजरती है। इसके पश्चात यह रेखा पश्चिम दिशा की ओर मुड़कर प्लॉट संख्या 792, 858, 857 की उत्तरी सीमा और प्लॉट संख्या 857 के भागत: पश्चिम, प्लॉट संख्या 839 के उत्तर, प्लॉट संख्या 839 के पश्चिमी किनारे के साथ चलती है। इसके पश्चात, यह प्लॉट संख्या 856 की भागत: पश्चिमी सीमा, प्लॉट संख्या 852, 856 के पश्चिम, प्लॉट संख्या 856 उत्तर-पश्चिमी सीमा के साथ गुजरती है। इसके पश्चात, यह रेखा पूर्व दिशा की ओर मुड़कर प्लॉट संख्या 856 की पश्चिम सीमा, प्लॉट संख्या 865, 866 की दक्षिणी सीमा संख्या प्लॉट संख्या 869 की पश्चिमी सीमा, प्लॉट संख्या 868 की दक्षिणी सीमा के साथ चलती है। इसके पश्चात, ये रेखा दक्षिणी दिशा की ओर मुड़कर प्लॉट संख्या 869 की भागत: पश्चिमी सीमा के साथ चलती हुई सड़क के उत्तरी किनारे तक पहुँचती है और पश्चिम दिशा की ओर मुड़ती है और इसी सड़क के उत्तरी किनारे के साथ बढ़ती हुई गोहिरादंडा आर.एफ. और कनिहा गाँव के बाई - जंक्शन पिलर के बिन्दु “ब” तक जाती है।

ब-ठ: पुन: यह रेखा दक्षिणी दिशा की ओर कनिहा ग्राम और गोहिरादंडा आर.एफ. की सम्मिलित सीमा के साथ चलती हुई इस गाँव के बाई जंक्शन पिलर की छूती है तथा बिन्दु “ठ” पर मिलती है।

ब्लॉक – ‘ख’ :

ट-ज: रेखा बिन्दु “ट” से प्रारंभ होती है जो जयपुर और कंसामुंडा ग्राम की सम्मिलित सीमा और प्लॉट संख्या 280 तथा 4003 की सम्मिलित सीमा पर स्थित है। फिर, यह पश्चिम दिशा की ओर उसी सम्मिलित ग्राम सीमा के साथ बढ़ती हुई कंसामुंडा ग्राम की प्लॉट संख्या 3894 के दक्षिण-पश्चिम कोने के बिन्दु-“ज” को छूती है।

ज-झ: रेखा बिन्दु- “ज” से प्रारंभ होती है जो उत्तर दिशा की ओर मुड़ जाती है। रेखा कंसामुंडा गाँव में प्रवेश करती है और प्लॉट संख्या 3894, 3886, 3885, 3881 3880, 3879, 3874 की पश्चिमी सीमा को छूती हुई नाला तक जाती है, इसके पश्चात, यह दक्षिण-पश्चिम दिशा की ओर मुड़ती है और उसी नाले के दक्षिणी किनारे के साथ आगे बढ़ती है इसके पश्चात, यह उत्तर दिशा की ओर मुड़ती है और प्लॉट संख्या 3915, 3928, 3688, 4510, 4511, 4512 की पश्चिमी सीमा के साथ चलती हुई प्लॉट संख्या 3615 के दक्षिण-पश्चिम कोने तक पहुँचती है, इसके पश्चात यह रेखा उत्तर-पश्चिम दिशा की ओर मुड़ती और प्लॉट संख्या 4515 की पश्चिमी सीमा से होकर गुजरती है, इसके पश्चात यह उत्तर दिशा की ओर मुड़ती है और सड़क पार करती हुई प्लॉट संख्या 1959 की पश्चिमी सीमा के साथ आगे बढ़ती हुई प्लॉट संख्या 1959 के उत्तर-पश्चिम कोने तक जाती है, इसके पश्चात, यही रेखा पूर्व दिशा की ओर मुड़ती है और प्लॉट संख्या 1959 की उत्तरी सीमा से होकर गुजरती हुई प्लॉट संख्या 1957 के पश्चिमी कोने तक जाती है। पुन: यह रेखा उत्तर-पूर्व दिशा की ओर मुड़ती है और प्लॉट संख्या 1957, 1962, 1963, 1887, 1828 की पश्चिमी सीमा के साथ चलती हुई कंसामुंडा गाँव की सड़क को छूती है। पुन: यह रेखा दक्षिण-पश्चिम दिशा की ओर मुड़ती है और इसी सड़क के दक्षिणी किनारे के साथ आगे बढ़ती है, इसके पश्चात, यह रेखा उत्तर दिशा की ओर मुड़ती है और इसी सड़क को पार करती है और सड़क की छोर तक जाती है, इसके पश्चात यह रेखा पूर्व की ओर मुड़ती है और प्लॉट संख्या 1827 के उत्तरी किनारे से होकर गुजरती है, इसके पश्चात, यह उत्तर दिशा की ओर मुड़ती है और प्लॉट संख्या 1823, 1824 के पश्चिमी किनारे से होती हुई बिन्दु-“झ” तक पहुँचती है जो प्लॉट संख्या 1824 तथा 1814 की साझा उत्तर-पश्चिम सीमा पर स्थित है।

झ-ज: रेखा बिन्दु “झ” से प्रारंभ होती है और पूर्व की तरफ चलते हुए प्लॉट संख्या 1817 के दक्षिण-पूर्व कोने तक जाती है। पुनः यह उत्तर दिशा में मुड़ती है और प्लॉट संख्या 1817 की पूर्वी सीमा के साथ चलती हुई प्लॉट संख्या 1818 तक पहुँचती है। पुनः यह रेखा पूर्व की ओर प्लॉट संख्या 1822, 1821 की पूर्वी सीमा के साथ चलती हुई प्लॉट संख्या 1785 के दक्षिण-पूर्व कोने तक जाती है। इसके पश्चात्, रेखा उत्तर दिशा की ओर मुड़ती है और प्लॉट संख्या 1782 की पश्चिम सीमा से होकर गुजरती हुई प्लॉट संख्या 1782 के उत्तर-पश्चिम कोने तक जाती है। पुनः यह पूर्व दिशा की ओर मुड़ती है और प्लॉट संख्या 1782, 1781, 1780 के उत्तरी किनारे से होकर गुजरती है और इसके पश्चात्, यह उत्तर दिशा की ओर मुड़ती है और 1777 की भागतः पश्चिमी सीमा के साथ चलती हुई प्लॉट संख्या 1777 के उत्तर-पश्चिम कोने तक जाती है पुनः यह रेखा उत्तर-पूर्व दिशा की ओर मुड़ती और प्लॉट संख्या 1777, 4698, 1775, 4701, 1773 की उत्तर सीमा के साथ चलती हुई यह दक्षिण दिशा की ओर मुड़ती है और प्लॉट संख्या 1773 की पूर्वी सीमा के साथ चलती हुई बिन्दु “ज” पर पहुँचती है।

ज-ट: रेखा बिन्दु-“ज” से प्रारंभ होती है और दक्षिण दिशा की ओर मुड़कर प्लॉट संख्या 4708 की पश्चिम सीमा के साथ चलती हुई कंसामुंडा ग्राम सड़क को छूती है। इसके पश्चात्, यह प्लॉट संख्या 1759 की भागतः उत्तरी सीमा से और प्लॉट संख्या 1759 से होकर गुजरती है। इसके पश्चात् यह प्लॉट संख्या 1682 और 1757 की उत्तरी तथा भागतः पश्चिमी सीमा के साथ, प्लॉट संख्या 1751 की उत्तरी और पश्चिमी सीमा, प्लॉट संख्या 1752 की भागतः पश्चिमी सीमा, प्लॉट संख्या 1754 की उत्तरी तथा पश्चिमी सीमा, प्लॉट संख्या 1741 की उत्तरी सीमा, प्लॉट संख्या 1740 की उत्तरी और भागतः पश्चिमी सीमा, प्लॉट संख्या 1737 की उत्तरी और पश्चिमी सीमा, प्लॉट संख्या 1706 की भागतः पश्चिमी सीमा, प्लॉट संख्या 4412 की उत्तरी तथा पश्चिमी सीमा, प्लॉट संख्या 1707 की पश्चिमी सीमा, प्लॉट संख्या 1713 की भागतः उत्तरी सीमा, प्लॉट संख्या 1726 की उत्तरी और पश्चिमी सीमा, प्लॉट संख्या 1721 की भागतः उत्तरी तथा पश्चिमी सीमा, प्लॉट संख्या 4577 की पश्चिमी सीमा, प्लॉट संख्या 4839 की उत्तरी और पश्चिमी सीमा, प्लॉट संख्या 1974 की भागतः उत्तरी सीमा और प्लॉट संख्या 1974 से होकर गुजरती है। इसके पश्चात्, यह प्लॉट संख्या 4060 की उत्तरी और भागतः पश्चिमी सीमा के साथ, प्लॉट संख्या 3962 की भागतः उत्तरी सीमा के साथ गुजरती है। प्लॉट संख्या 3963 की पूर्वी-उत्तरी और पश्चिमी सीमा, प्लॉट संख्या 3962 की भागतः पश्चिमी सीमा, प्लॉट संख्या 4615 की पश्चिमी सीमा तथा प्लॉट संख्या 4615 तथा 4055 की आंशिक पश्चिमी सीमा, प्लॉट संख्या 4047 एवं 4046 की उत्तरी सीमा, प्लॉट संख्या 4045 की उत्तरी, पश्चिमी और दक्षिणी सीमा तथा प्लॉट संख्या 4050 की आंशिक पश्चिमी सीमा, इसके पश्चात्, रेखा प्लॉट संख्या 4038 की उत्तरी और पश्चिमी सीमा के साथ प्लॉट संख्या 4036 की भागतः पश्चिमी सीमा, प्लॉट संख्या 4024, 4026 की उत्तरी और पश्चिमी सीमा, प्लॉट संख्या 4017, 4013, 4011, 4005 और 4004 की पश्चिमी सीमा से चलती हुई कंसामुंडा तथा जयपुर गाँव की सम्मिलित सीमा के बिन्दु “ट” पर मिलती है।

ब्लॉक- ‘ग’ :

क-ख: रेखा बिन्दु-“क” से प्रारंभ होती है जो जमानिया, अद्वैताप्रसाद और मालापसी ग्रामों के त्रि- जंक्शन पिलर पर स्थित है और दक्षिण की तरफ मुड़कर मालापसी तथा जमानिया गांवों की सम्मिलित सीमा के साथ आगे बढ़ती है। इसके पश्चात् यह रेखा गुंडुरिनाली, जमानिया और मालापसी त्रि-जंक्शन पिलर को छूती है। यही रेखा दक्षिण-पूर्व दिशा की ओर गुंडुरिनाली और जमानिया गांवों की सम्मिलित सीमा के साथ चलती हुई जमानिया गाँव की प्लॉट संख्या 399 की पश्चिमी सीमा को छूती है। इसके पश्चात्, यह प्लॉट संख्या 485 की उत्तर-पश्चिम सीमा से होकर गुंडुरिनाली गाँव में प्रवेश करती है। इसके पश्चात् यह दक्षिण-पूर्व दिशा की ओर इसी प्लॉट की सीमा के साथ मुड़ती है। इस बिन्दु को छूने के पश्चात् यह प्लॉट संख्या 486 की दक्षिणी-पश्चिमी सीमा की तरफ मुड़ती है। पुनः यह इस प्लॉट की सीमा के साथ दक्षिण-पूर्व दिशा की ओर मुड़ती हुई बढ़ती है। इसके पश्चात्, यह रेखा दक्षिण-पश्चिम की ओर चलती है और प्लॉट संख्या 973 की पश्चिमी सीमा तथा 972 की उत्तरी सीमा के साथ आगे बढ़ती हुई दक्षिण दिशा की ओर प्लॉट संख्या 972, 1064, 1066, 1068 और 1070 की पश्चिमी सीमा के साथ आगे बढ़ती है। पुनः यह पूर्व दिशा की ओर मुड़ती है और प्लॉट संख्या 1070 की दक्षिणी सीमा से होकर गुजरती है। इसके पश्चात्, यह रेखा दक्षिणी सीमा से होकर गुजरती है। इसके पश्चात्, यह रेखा दक्षिण की तरफ मुड़ती है और प्लॉट संख्या 1074 और 1075 की पश्चिमी सीमा से गुजरती है। पुनः यह रेखा दक्षिण-पूर्व दिशा की ओर मुड़ती है और प्लॉट संख्या 1075 और 1838 की दक्षिणी सीमा के साथ आगे बढ़ती है। प्लॉट संख्या 1838 और 1059 के साझा बिन्दु को स्पर्श करने के बाद यह पूर्व

की ओर मुड़कर प्लॉट संख्या 1059 की दक्षिणी सीमा के साथ आगे बढ़ती हुई गाँव की सड़क को छूती है। इसके पश्चात पुनः यह दक्षिण दिशा की ओर मुड़ती है और इसी सड़क के पश्चिमी किनारे के साथ होती हुई उसी सड़क के अंतिम बिन्दु तक जाती है और पूर्व की तरफ मुड़ती है तथा इसकी चौड़ाई से होकर गुजरती है। यह रेखा उत्तर-पश्चिम दिशा की ओर इसी सड़क के पूर्वी किनारे के साथ आगे बढ़ती हुई प्लॉट संख्या 1796 के उत्तर-पश्चिम कोने तक पहुँचती है। इसके पश्चात यह पूर्व दिशा की ओर मुड़कर प्लॉट संख्या 1795 की दक्षिणी सीमा के साथ बढ़ती हुई प्लॉट संख्या 1795 और 1796 के पूर्व के सम्मिलित बिन्दु तक जाती है। पुनः यह दक्षिण दिशा की ओर मुड़ती है और प्लॉट संख्या 1796 और 1797 की पूर्वी सीमा के साथ आगे बढ़ती है तथा इसके पश्चात यह पश्चिम दिशा की ओर मुड़कर प्लॉट संख्या 1797 और 1798 की पूर्वी सम्मिलित सीमा तक जाती है। इसके पश्चात यह दक्षिण दिशा की ओर बढ़ती है और प्लॉट संख्या 1798 के पूर्वी किनारे के साथ आगे बढ़ती है और यह पश्चिम दिशा की ओर मुड़कर इसी प्लॉट की दक्षिणी सीमा के साथ प्लॉट संख्या 1798 और 1800 के साझा बिन्दु तक जाती है। पुनः यह दक्षिण की ओर मुड़ती है और प्लॉट संख्या 1800 की भागतः पूर्वी सीमा के साथ बढ़ती हुई बिन्दु-“ख” तक जाती है।

ख-ग : रेखा बिन्दु-“ख” से प्रारंभ होती है जो गुंडुरिनाली ग्राम के प्लॉट संख्या 1054 के दक्षिण-पश्चिम किनारे के सम्मिलित बिन्दु पर स्थित है। इसके पश्चात रेखा प्लॉट संख्या 1054 की दक्षिणी सीमा से होकर गुजरती हुई गुंडुरिनाली और छेलिया गाँवों की सम्मिलित सीमा तक पहुँचती है और छेलिया गाँव की प्लॉट संख्या 1826 की दक्षिणी सीमा से छेलिया गाँव में प्रवेश करती है। इसके पश्चात यह उत्तर दिशा की ओर मुड़ती हुई इसी प्लॉट की पूर्वी सीमा के साथ बढ़ती हुई प्लॉट संख्या 1708 और 1826 के सम्मिलित बिन्दु तक जाती है। इसके पश्चात, यह प्लॉट संख्या 1708, 1620 और 21 की दक्षिणी सीमा से होती हुई 21 और 46 के सम्मिलित बिन्दु तक जाती है। पुनः यह दक्षिण दिशा की ओर मुड़कर प्लॉट संख्या 46, 47 के पश्चिमी किनारे और 47 के दक्षिणी छोर के साथ चलती हुई प्लॉट संख्या 47 और 48 के सम्मिलित बिन्दु तक जाती है। इसके पश्चात यह दक्षिण दिशा की ओर मुड़ती है और प्लॉट संख्या 61, 65, 64 और 74 की दक्षिणी सीमा के साथ चलती हुई प्लॉट संख्या 74 तथा 75 के सम्मिलित बिन्दु तक जाती है। पुनः यह रेखा पूर्व दिशा की ओर मुड़ती है और प्लॉट संख्या 74 की दक्षिणी सीमा के साथ चलती हुई दक्षिण-पूर्व दिशा की ओर मुड़कर प्लॉट संख्या 1769 के पश्चिमी किनारे के साथ चलती हुई पुनः यह उत्तर-पूर्व दिशा की ओर आगे बढ़ती है और प्लॉट संख्या 1769 की दक्षिणी सीमा के साथ आगे बढ़ती हुई प्लॉट संख्या 139 के दक्षिणी किनारे तक जाती है। पुनः यह दक्षिण-पूर्व दिशा की ओर मुड़ती है और प्लॉट संख्या 139, 137 के दक्षिणी किनारे के साथ बढ़ती हुई प्लॉट संख्या 135 के प्रारंभिक बिन्दु तक जाती है। प्लॉट संख्या 137 की चौड़ाई को पर करने के बाद रेखा उत्तर-पश्चिम दिशा की प्लॉट संख्या 137 के भागतः पूर्वी छोर के साथ मुड़ती है और प्लॉट संख्या 137 तथा 248 के सम्मिलित बिन्दु को छूती है। पुनः यह उत्तर दिशा की ओर मुड़ती है और प्लॉट संख्या 248 के पूर्वी किनारे के साथ चलती प्लॉट संख्या 274 तक पहुँचती है। पुनः यह रेखा दक्षिण-पूर्व दिशा की ओर मुड़ती है और प्लॉट संख्या 274, 1690, 276, 1662, 1473, 590, 545 तथा 543 की दक्षिणी सीमा के साथ आगे बढ़ती है और प्लॉट संख्या 543 के दक्षिणी कोने को छूती है। पुनः यह उत्तर-पूर्व दिशा की ओर मुड़ती है और प्लॉट संख्या 488 की पश्चिमी सीमा के साथ आगे बढ़ती है तथा पूर्व दिशा की ओर प्लॉट संख्या 542, 541, 501, 502, 504, 480, 441, 436, 420, 421, 422 की दक्षिणी सीमा के साथ आगे बढ़ती हुई छेलिया ग्राम सड़क तक जाती है। पुनः यही रेखा उत्तर दिशा की ओर मुड़ती है और इसी सड़क के आंशिक पश्चिमी किनारे के साथ आगे बढ़ती हुई प्लॉट संख्या 995 और सड़क के सम्मिलित बिन्दु तक जाती है। इसके पश्चात यह पूर्व दिशा की ओर मुड़ती है और प्लॉट संख्या 1199 के दक्षिणी कोने तक जाती है। पुनः यह दक्षिणी दिशा की ओर मुड़ती है और प्लॉट संख्या 1199, 1200 तथा 1483 के पश्चिमी किनारे से होकर गुजरती हुई प्लॉट संख्या 1483 के दक्षिण-पश्चिम कोने तक जाती है। पुनः यह पूर्व दिशा की ओर मुड़ती है और 1483, 1484, 1201, 1202, 1203 के दक्षिणी किनारे से होकर गुजरती है तथा प्लॉट संख्या 1363, 1207, 1364, 1681 की दक्षिणी सीमा और 1485, 1232, 1233, 1530, 1531, 1697, 1696, 1695, 1694, 1693, 1470, 1678, 1687, 1186 तथा 1184 के भागतः पूर्व से होकर गुजरती है और पुनः यह दक्षिण-पूर्व दिशा की ओर मुड़ती है और प्लॉट संख्या 1318, 1319, 1320, 1321, 1322 तथा 1327 के पूर्वी किनारे के साथ बढ़ती हुई बिन्दु-“ग” तक जाती है जो छेलिया, कथारमुंडा और बड़त्रिविड़ा के त्रि-जंक्शन पिलर पर स्थित है।

ग-घ : रेखा बिन्दु – “ ग ” से प्रारंभ होती है और प्लॉट संख्या 1171 के पूर्वी किनारे के साथ उत्तर दिशा की ओर बढ़ती है जो छेलिया और कथारमुंडा ग्राम की सम्मिलित सीमा है यह प्लॉट संख्या 1170 के पूर्वी कोने तक जाती है। पुनः यह रेखा उत्तर-पूर्व की ओर मुड़ती है और उसी सम्मिलित ग्राम सीमा से होकर गुजरती हुई छेलिया, कथारमुंडा और कमरेई ग्रामों के त्रि-जंक्शन पिलर तक जाती है। इसके पश्चात यह रेखा उत्तर दिशा की तरफ छेलिया और मथारगड़ी आर एफ़ से होकर जाती है। पुनः यह उसी दिशा में छेलिया ग्राम और मथारगड़ी आर एफ़ की सम्मिलित सीमा के साथ बढ़ती हुई बिन्दु-“घ” को छूती है जो कमरेई और मथारगड़ी आर एफ़ की सम्मिलित सीमा के घुमावदार बिन्दु पर स्थित है।

घ – ङ : बिन्दु “घ” से रेखा प्रारंभ होती और कमरेई और मथारगड़ी आर एफ़ की सम्मिलित सीमा की पूर्व दिशा की ओर बढ़ती हुई बिन्दु – “ङ” तक जाती है जो उसी आर. एफ़. की पूर्वी सीमा का सम्मिलित बिन्दु है।

ड – च : रेखा बिन्दु “ड” से प्रारंभ होती हुई उत्तर-पश्चिम दिशा की ओर मुड़ती है और कमरेई ग्राम और मथारगड़ी आर एफ़ की सम्मिलित सीमा के साथ आगे बढ़ती हुई कमरेई ग्राम की प्लॉट संख्या 2550 के पश्चिमी कोने तक जाती है और पुनः यह उत्तर-पूर्व दिशा की ओर मुड़ती है और कमरेई और दादासिंघा ग्राम की सम्मिलित सीमा से होकर गुजरती हुई तेलीसिंघा, कमरेई और दादासिंघा के ट्राई जंक्सन पिलर को पार करती हुई तेलीसिंघा और दादासिंघा के बाई जंक्सन पिलर तक जाती है। पुनः यह रेखा उत्तर दिशा की ओर मुड़ती है और दादासिंघा एवं तेलीसिंघा ग्राम की सम्मिलित सीमा से होती हुई तेलीसिंघा और आम्बपाल एवं दादासिंघा ग्रामों के ट्राई जंक्सन पिलर तक जाती है। पुनः यह उसी दिशा में तेलीसिंघा और आम्बपाल ग्रामों की सम्मिलित सीमा के साथ बढ़ती हुई बिन्दु “च” तक जाती है जो उसी सम्मिलित सीमा तथा तेलीसिंघा ग्रामों की प्लॉट संख्या 2594 के उत्तर-पूर्वी कोने पर स्थित है।

च – छ : रेखा बिन्दु “च” से प्रारंभ होकर तेलीसिंघा ग्राम की प्लॉट संख्या 2594 की उत्तरी सीमा के साथ पश्चिम की ओर आगे बढ़ती है पुनः दक्षिण दिशा की ओर मुड़ती है और इसी प्लॉट की भागतः पश्चिम सीमा के साथ आगे बढ़ती है। इसके पश्चात्, यह प्लॉट संख्या 817, 816, 815 और 813 की उत्तरी सीमा के साथ पश्चिम दिशा की ओर आगे बढ़ती हुई प्लॉट संख्या 813 के उत्तर पश्चिम कोने तक जाती है। इसके पश्चात् यह प्लॉट संख्या 813 और 814 की पश्चिमी सीमा के साथ दक्षिण दिशा की ओर चलती है। प्लॉट संख्या 814 के दक्षिण-पश्चिम कोने पर पहुँचने के पश्चात् पुनः यह पश्चिम दिशा की ओर मुड़ जाती है और प्लॉट संख्या 837, 840 तथा 841 की उत्तरी सीमा के साथ आगे बढ़ती है। पुनः यह दक्षिण दिशा की ओर मुड़ जाती है और प्लॉट संख्या 840 की पश्चिमी सीमा के साथ बढ़ती है। इसके पश्चात् यह प्लॉट संख्या 844, 868, 869 और 870 की उत्तरी सीमा के साथ उत्तर-पश्चिम दिशा की ओर मुड़ जाती है। इसके पश्चात् यह प्लॉट संख्या 870, 871, 874 876 और 880 की उत्तरी सीमा के साथ दक्षिण-पश्चिम में मुड़ जाती है और प्लॉट संख्या 880 के दक्षिण-पश्चिम कोने तक जाती है। पुनः यह पश्चिम दिशा की ओर मुड़ती है और प्लॉट संख्या 881 की आंशिक उत्तरी सीमा के साथ चलती हुई तेलीसिंघा ग्राम की सड़क के पूर्वी किनारे तक जाती है। पुनः यह दक्षिण-पश्चिम दिशा की ओर मुड़ती है और इसी ग्राम सड़क के पूर्वी किनारे के साथ प्लॉट संख्या 2019 तक जाती है। पुनः यह रेखा दक्षिण-पश्चिम दिशा की ओर मुड़ती है और प्लॉट संख्या 2019, 2018, 2082, 2085 तथा 2087 की पश्चिमी सीमा के साथ चलती हुई प्लॉट संख्या 2085 के दक्षिण-पश्चिम कोने को छूती है। पुनः यह रेखा दक्षिण-पूर्व दिशा की ओर आगे बढ़ती है और 2085 की दक्षिणी सीमा के साथ चलती हुई प्लॉट संख्या 2085 के दक्षिण कोने तक जाती है। पुनः यह मुड़ती है और प्लॉट संख्या 2087 की पश्चिमी सीमा से होकर गुजरती हुई प्लॉट संख्या 2087 तथा 2208 की सम्मिलित सीमा बिन्दु को छूती है। पुनः यह पश्चिम दिशा की ओर मुड़ती है और प्लॉट संख्या 1912 की भागतः दक्षिणी सीमा से होकर गुजरती हुई प्लॉट संख्या 1877 तथा 2208 के उत्तर साझा सीमा बिन्दु को छूती है। पुनः यह दक्षिण दिशा की ओर मुड़ती है और प्लॉट संख्या 1877 की पूर्वी सीमा के साथ बढ़ती हुई प्लॉट संख्या 1877 की दक्षिण-पूर्व सीमा को छूती है। पुनः यह पूर्व दिशा की ओर मुड़ती है और प्लॉट संख्या 2631 की उत्तरी सीमा के साथ बढ़ती हुई प्लॉट संख्या 2631 तथा 2207 के सम्मिलित बिन्दु तक जाती है। पुनः यह दक्षिण दिशा की ओर मुड़ती है और प्लॉट संख्या 2211 के पूर्वी किनारे तथा प्लॉट संख्या 2218 की पश्चिमी सीमा के साथ बढ़ती हुई सड़क तक जाती है। तेलीसिंघा ग्राम सड़क को पार करने के बाद रेखा दक्षिण दिशा की ओर मुड़ती है और प्लॉट संख्या 2255 की पूर्वी सीमा के साथ चलती हुई बिन्दु – “छ” तक पहुँचती है जो प्लॉट संख्या 2255, 2254 तथा 2257 के सम्मिलित बिन्दु पर स्थित है।

छ – क : रेखा बिन्दु – “छ” से प्रारंभ होती है। तेलीसिंघा की ग्राम सड़क को पार करने के बाद रेखा पश्चिम दिशा की ओर प्लॉट संख्या 2259 के उत्तरी किनारे के साथ चलती हुई इसी प्लॉट की उत्तर-पश्चिम कोने तक पहुँचती है। इसके पश्चात् यह दक्षिण-पश्चिम दिशा की ओर मुड़ती है तथा इसी प्लॉट की भागतः पश्चिमी सीमा के साथ चलती है। इसके पश्चात् यह रेखा पश्चिम दिशा की ओर मुड़कर प्लॉट संख्या 2266 की उत्तरी सीमा के साथ चलती हुई प्लॉट संख्या 2269 को छूती है। इसके पश्चात् यह दक्षिण दिशा की ओर मुड़ती है और प्लॉट संख्या 2266 की पश्चिमी सीमा के साथ चलती हुई प्लॉट संख्या 2269 के दक्षिण-पूर्व कोने तक पहुँचती है। यह प्लॉट संख्या 2269, 2270, 2271 एवं 1583 की दक्षिणी सीमा के साथ चलती हुई पश्चिम की तरफ मुड़ती है और प्लॉट संख्या 1580 के उत्तर-पूर्व कोने तक जाती है। रेखा दक्षिण-पश्चिम दिशा की ओर मुड़ती हुई प्लॉट संख्या 1580 और 1581 की पूर्वी सीमा के साथ चलती हुई प्लॉट संख्या 1581 के दक्षिण-पूर्व कोने तक पहुँचती है। इसके पश्चात् यह पश्चिम दिशा की ओर मुड़ती है और प्लॉट संख्या 1582, 1575, 1576, 1574। 1570 की उत्तरी सीमा के साथ चलती हुई सड़क तक पहुँचती है। पुनः यह दक्षिण दिशा की ओर मुड़ती है और इसी सड़क के पश्चिमी किनारे के साथ चलती हुई प्लॉट संख्या 1562 के दक्षिणी कोने तक पहुँचती है। पुनः यह पश्चिम दिशा की ओर मुड़ती है और प्लॉट संख्या

1533, 1534, 1535, 1481, 1498 तथा 1497 की उत्तरी सीमा के साथ चलती हुई तेलिसिंघा और जरडा ग्रामों की सम्मिलित सीमा को छूती है। पुनः यह उसी दिशा में आगे बढ़ने के बाद जरडा ग्राम की प्लाट संख्या 3785, 3777, 3775, 3774, 3767, 3768 की उत्तरी सीमा के साथ जरडा ग्राम में प्रवेश करती है। इसके बाद यह प्लाट संख्या 3768 की भागतः पश्चिमी सीमा के साथ चलती हुई दक्षिण दिशा की ओर मुड़ती है तथा प्लाट संख्या 3768 और 3751 की सम्मिलित सीमा बिन्दु तक जाती है। पुनः यह पश्चिम दिशा की ओर चलती है और प्लाट संख्या 3751, 3754 तथा 3969 की उत्तरी सीमा के साथ चलती हुई तालाब के पूर्वी किनारे को छूती है। इसके पश्चात्, यह उत्तर दिशा की ओर मुड़ती है और प्लाट संख्या 3748 (तालाब के तटबंध) की भागतः पूर्वी सीमा के साथ चलती हुई प्लाट के उत्तर-पूर्व कोने तक जाती है। पुनः यह रेखा पश्चिम की तरफ मुड़ती है और प्लाट संख्या 3747 (तालाब) की उत्तरी सीमा के साथ चलती हुई प्लाट संख्या 3746 के उत्तर-पश्चिम कोने तक पहुँचती है। इसके पश्चात्, यही रेखा दक्षिण दिशा की ओर मुड़ती हुई इसी प्लाट की भागतः पश्चिमी सीमा को पार करती हुई प्लाट संख्या 3968 के उत्तर-पूर्व कोने तक जाती है। पुनः यह पश्चिम दिशा की ओर मुड़ती है और जरडा बस्ती की दक्षिण सीमा के साथ चलती हुई प्लाट संख्या 3313 के उत्तर-पूर्व कोने तक पहुँचती है। यह रेखा पश्चिम की ओर मुड़ती है और प्लाट संख्या 3313, 3311, 3309 तथा 3307 की उत्तरी सीमा के साथ चलती हुई प्लाट संख्या 3306 के उत्तर-पश्चिम कोने तक पहुँचती है पुनः यह रेखा उत्तर-पश्चिम दिशा की ओर मुड़ती है और प्लाट संख्या 3304, 3302, 3283, 3282, 3272 तथा 3271 की पश्चिम सीमा के साथ आगे बढ़ती है। पुनः यह रेखा प्लाट संख्या 1709 की उत्तरी सीमा, प्लाट संख्या 1709 की उत्तरी सीमा, प्लाट संख्या 1631 की पूर्वी प्लाट संख्या 1632, 1633, 1635, 1625, 1622, 1621, 1645, 1646, 1649, 1650, 1604, 1600, 1601, 1681, 1682 तथा 1683 के साथ पश्चिम दिशा की ओर मुड़ती हुई ज़रदा और जमानिया ग्राम की सम्मिलित सीमा तक सीमा तक जाती है। इसके पश्चात् रेखा उत्तर दिशा की ओर मुड़ती है और उसी ग्राम की सीमा के साथ जमानिया ग्राम के उत्तर-पूर्व कोने की प्लाट संख्या 303, 302, 301, 300, 299 की उत्तरी सीमा के साथ आगे बढ़ती है। पुनः यह रेखा प्लाट संख्या 298 की पूर्वी सीमा के साथ उत्तर दिशा की तरफ मुड़ती है इसके पश्चात् यह पश्चिम दिशा में मुड़ती है और प्लाट संख्या 298, 297, 509, 286, 283, 588 की उत्तरी सीमा के साथ आगे बढ़ती हुई प्लाट संख्या 587 तक जाती है। इसके पश्चात् यह रेखा उत्तर दिशा की ओर मुड़ती है और प्लाट संख्या 276 की भागतः पश्चिमी सीमा के साथ चलती हुई प्लाट संख्या 238 तथा 276 के सम्मिलित कोने तक जाती है। इसके पश्चात् यही रेखा उत्तर पश्चिम दिशा की ओर मुड़ती है और प्लाट संख्या 238 की उत्तरी सीमा के साथ आगे बढ़ती है। इसके पश्चात् यह वर्तमान जमानिया ग्राम सड़क को पार करती है और इसी ग्राम सड़क के दक्षिण किनारे के साथ आगे बढ़ती हुई प्लाट संख्या 60 तक जाती है। इसके पश्चात् यह दक्षिण दिशा की ओर मुड़ती है और प्लाट संख्या 60 की पश्चिमी सीमा के साथ आगे बढ़ती है और प्लाट संख्या 59, 57, 531 की दक्षिणी सीमा के साथ आगे बढ़ती है। इसके पश्चात् यही रेखा उत्तर दिशा की ओर मुड़ती है और 591 की भागतः पश्चिमी सीमा के साथ आगे बढ़ती है। इसके पश्चात् यह पश्चिम दिशा के ओर मुड़ती है और प्लाट संख्या 51 की दक्षिणी किनारे से होकर गुजरती है। पुनः यह उसी प्लाट की सीमा के साथ उत्तर दिशा की ओर मुड़ती है इसके बाद यह पश्चिमी दिशा की ओर मुड़ती है और प्लाट संख्या 53 की उत्तरी सीमा के साथ आगे बढ़ती हुई प्लाट संख्या 50 तथा 53 की सम्मिलित कोने तक जाती है। पुनः यह दक्षिण दिशा की ओर प्लाट संख्या 49 के पूर्वी किनारे के साथ मुड़ती है और प्लाट संख्या 49 के दक्षिण-पूर्व कोने तक जाती है। पुनः पश्चिमी दिशा की ओर मुड़ती है और प्लाट संख्या 49, 48, 43 तथा 42 की दक्षिणी सीमा के साथ आगे बढ़ती हुई प्लाट संख्या 42 के दक्षिण-पश्चिम कोने तक जाती है। पुनः यह रेखा उत्तर दिशा की ओर मुड़ती है तथा प्लाट संख्या 37 की पूर्वी सीमा बिन्दु के साथ होती हुई प्लाट संख्या 37 के उत्तर पूर्वी कोने तक जाती है। इसके पश्चात् यह पश्चिम दिशा की ओर मुड़ती है और प्लाट संख्या 41, 40, 7, 39 की दक्षिणी सीमा के साथ आगे बढ़ती है। यही रेखा प्लाट संख्या 39 की दक्षिणी सीमा, प्लाट संख्या 29 की भागतः पूर्वी, प्लाट संख्या 29 की दक्षिणी प्लाट संख्या 29 की भागतः पश्चिमी, प्लाट संख्या 27 की दक्षिणी, प्लाट संख्या 27 की भागतः पश्चिमी, प्लाट संख्या 26, 25 की दक्षिणी, प्लाट संख्या 25 की पश्चिमी सीमा के साथ चलती हुई सड़क के किनारे को छूती है और पश्चिमी दिशा की ओर मुड़ती है और इसी सड़क के दक्षिणी किनारे से होती हुई बिन्दु "क" पर समाप्त होती है।

[फा. सं. 43015/12/2018-एलए एंड आईआर]

राम शिरोमणि सरोज, अवर सचिव

New Delhi, the 11th October, 2018

S.O. 1470.—Whereas, it appears to the Central Government that coal is likely to be obtained from the land in the locality described in the Schedule annexed to this notification ;

And, whereas the plan bearing number MCL/KA/Notification/2017-18/678, dated the 24th February, 2018 containing details of the area of land described in the said Schedule may be inspected at the office of the Director Technical (OP), Mahanadi Coalfields Limited, at Jagruti Vihar, P.O- Burla, District Sambalpur, Odisha-768018, or at the office of the Chief General Manager (Exploration Division), Central Mining Planning and Design Institute limited, Gondwana Place, Kanke Road, Ranchi(Jharkhand) or at the office of the Coal Controller, I, Council House Street, Kolkata-700001 or at the office of the District Collector, District Angul, Odisha;

Now, therefore in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal from the land described in the said Schedule.

Any person interested in the land described in the said Schedule may, -

- (i) object to the acquisition of the whole or any part of the land or any rights in or over the said land; or
- (ii) claim compensation under section 6 of the said Act for any damage caused or likely to be caused by any action taken under sub-section(3) of section 4 thereof; or
- (iii) claim compensation under sub-section(1) of section 13 of the said Act in respect of prospecting licenses ceasing to have effect or under sub-section(4) of section 13 of the said Act for mining lease ceasing to have effect and deliver all maps, charts and other documents relating to the aforesaid land to show the expenditure incurred in respect of items specified in clauses(i) to (iv) of sub-section (1) of section 13 of the said Act, to the office of the Director Technical (OP), Mahanadi Coalfields Limited, at Jagruti Vihar, P.O- Burla, District Sambalpur, Odisha -768018 within a period of ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

Kaniha Coal Block

District- Angul, Odisha

[Plan bearing number MCL/KA/Notification/2017-18/678, dated the 24th February, 2018]

Sl. No.	Name of village	Patwari Circle number/Thana number	Tahasil	District	Area in hectares (approximate)	Remark
1.	Kansamunda	136,63	Kaniha	Angul	0.449	Part
2.	Kaniha	131,60	Kaniha	Angul	1.477	Part
3.	Chhelia	175,108	Kaniha	Angul	0.032	Part
4.	Patharmunda	178,91	Kaniha	Angul	0.473	Part
5.	Telisingha	177,90	Kaniha	Angul	0.040	Part
6.	Gundurinali	159,88	Kaniha	Angul	0.024	Part
Total : 2.495 hectares(approximately) or 6.17 acres(approximately)						

Plots to be notified:

- (1) Plot numbers within acquisition area in village Kansamunda : 4406/4905, 1691/4893, 1694/4894, 1913, 1914, 1915, 1924, 1925, 1928, 1933, 1926, 1927, 1929, 1932/4377, 1930, 1931, 1932, 3970/ 4350, 4042/4966, 4042/4967.
- (2) Plot numbers within acquisition area in village Kaniha: 1596, 926/1775, 1559/1687, 1597, 1598, 1599/1780, 910/1839, 1006/1821, 1006/1799, 1006/1820, 1638/1824, 1638/1836, 1639/1837, 1638/1835, 1638/1833, 1638/1823, 741/1825, 741/1826, 1595, 1599, 1598/1691, 1595/1745.
- (3) Plot numbers within acquisition area in village Chhelia : 1231/1681.
- (4) Plot numbers within acquisition area in village Patharmunda: 1335, 228/3328, 120/3265, 120/3457.

(5) Plot numbers within acquisition area in village Telisingha: 2051/2533.

(6) Plot numbers within acquisition area in village Gundurinali : 1039/1707.

Boundary Description :

BLOCK- 'A':

L-M: The line starts from Point 'L' which is situated at tri-junction Pillar of village Kansamunda, Kaniha and Gohiradanda R.F. Then it moves towards east direction along common village boundary of Kaniha and Kansamunda northern boundary of plot no. 1507,1508,1509 of village Kansamunda up to north east corner of plot no- 1509 of Kansamunda. Then the line enters to village Kaniha and moves towards north direction and covers the west, north and east boundary of plot no.1777, the partly northern boundary of plot no. 966 up to north corner of plot no-981. The same line proceeds northern boundary of plot no. 980, 979, 1027, north and east boundary of plot no. 1026 up to northeast corner point of plot no-1026. The line moves towards northeast direction along north and west boundary of plot no. 1021. Partly western and northern boundary of 1020, north boundary of plot no. 1008,1009,1146 up to west edge of Jarada and Kaniha village road. After crossing the same village road the line moves along north boundary of plot no.1641, up to common village boundary of Kaniha and Patharmunda. Then the line enter into village Patharmunda and moves south direction along partly western boundary of plot no. 138 up to southwest corner of same plot. Then the line proceeds towards east along south boundary of plot no. 138,3197up to southeast corner of plot no. 3197. The same line moves towards north east direction covering the partly boundary of plot no.142, northern boundary of plot no.175,176, southern boundary of plot No. 456,455,453, up to southeast corner of plot no.453. It turns towards north directions covering the east boundary of plot no. 453 up to northwest corner of plot no. 452. The same lines moves towards east direction covering the southern boundary of plot no. 564,565,566,579,3218,584 and 586 up to southeast corner of plot no.586. Again the line turns towards north directions covering eastern boundary of the same plot up to north corner of plot no. 586. It moves towards east direction along partly southern boundary of plot no. 574,590 up to southeast corner of plot no-590. Then the lines move towards south east direction along west boundary of plot no. 589,588 partly south boundary of plot no. 587 south boundary of plot No. 596,598,599 up to touch point 'M' which is situated at the west side of Patharmunda and Telisingha road.

M-N: The line start from 'M' and moves towards south direction along eastern boundary of Patharmunda and Telisingha road up to north corner of plot no. 3166 to meet point 'N'.

N-O: The lines start from 'N' after crossing the Telisingha and Patharmunda village road the lines moves south directions along partly east boundary of plot no. 355 then it moves towards west direction along south side boundary of plot no. 355 and turns towards south along east boundary of plot no. 3171 then it moves towards west along south boundary of same plot and turns north along western boundary of same plot. The same line moves towards west direction covering west boundary of plot no. 341 , partly east boundary of plot no. 340 east boundary of 337,336, east and south boundary of 334 south boundary of 3234,3293 up to southwest corner of plot no. 3293 to meet at point 'O'.

O-P: The lines starts from point 'O' moves along west and north boundary of plot no. 3293, north boundary of 327,326, west boundary of 325,324,323, south west boundary of 322,321 south boundary of 3188,270,271,272, east boundary of 284,286,, north east of 287, 288 , north, east south boundary 3257, east of 300,301, south, west of 301 west boundary of 299, 298, 297, 296, 295, 292, 291, 289 and south partly western boundary of 3263 southern boundary of 3286 and western boundary of 3286,3275, south and west boundary of 3191. Then the lines turn towards west and passes along southern boundary of 3196 southeastern boundary of 137. Then the line moves south directions and proceeds along eastern boundary of village road of Kaniha to Jarada up to north corner of plot no. 61. Then it moves towards south directions covering the south west boundary of plot no. 3266 partly south boundary of plot no. 120 up to point 'P'

P-Q : The line start from 'P' which is situated at northeast corner of plot no. 93 of village Patharmunda and moves along eastern boundary of plot no. 93,94, north east and partly west boundary of plot no. 105, eastern boundary of plot no. 106, 119, 118, 116 and touches the common village boundary of Telisingha and Patharmunda and proceeds along it. After crossing the bi-junction pillar the lines covers partly the plot no. 3294 and it moves partly northern boundary of plot no.3294, northern and eastern boundary of 3291. Again the line moves along common village the boundary of Telisingha and Patharmunda. After crossing the bi-junction pillar the lines moves western boundary of plot no. 322 and eastern northern and western boundary of plot no. 319. Again the line moves along eastern boundary of plot no. 322 up to same common village boundary. The line moves towards east direction along same village boundary up to point 'Q'.

Q-R: the line start from 'Q' which is situated at north east corner plot no.710 of village Telisingha. Then the line moves along western boundary of plot no. 3123, 3124, 3128, 3129, 3144, western and southern boundary of 3145, southern boundary of 3146, 3147 western boundary of 3151, west and south side of 3152 up to common village boundary of Telisingha and Patharmunda at a bi-junction pillar. Then the lines enters into Telisingha village covering the southwest of plot no.771 up to point 'R' .

R-S: The lines start from point 'R' which is situated at northwest corner of plot no.772 and also northwest side of Telisingha road. The line RS moves towards northeast directions along northeast side of plot no. 771 up to point 'S'.

S-T: The line starts from point 'S' which is situated at the tri-junction pillar of village Telisingha, Ambapal and Bijigol. Then the line passes towards northwest direction along the common village boundary of Telisingha and Bijigol up to tri-

junction pillar village Telisingha, Lodhabandha and Bijigol. Again the same line turns towards north direction and passes along common village boundary of Patharmunda and Lodhabandha up to point 'T'.

T-U: The line starts from point 'T' which is situated at northeast corner of plot no.2849 of village Patharmunda. Again the line proceeds along north boundary of plot no. 2849,2848, 2854 and 2855. Then it turns towards northeast direction and passes through east side of road plot no. 2844. Then it cross the east side boundary of plot no. 2737, 2736, 2739, 2741 and 2805 and turns the same line towards east direction along the north boundary of plot no. 2805, 2801, 2800, 2790, 2791 and enters to Patharmunda Basti and proceeds along north edge of plot no. 1821,1818 then passes through west part of boundary of plot no. 1813, north boundary of 813, east boundary of 1548, and then north boundary of 1548, 1547,1546,1545 and turns towards south direction along the west boundary of plot no. 1545. Again it turns towards west direction along the northwest corner of 1560, north edge of 3256, 1562, and 1541; again it turns towards south direction along east boundary of 1540 and north boundary of 1539, 1537, and 1533. Then it turns towards south direction along west boundary of plot no. 1533 and part of 1534. Then the same line turns towards north direction and proceeds along east side of 1525, north boundary of 1526, 1522, 1514 and part of 1513. Then it passes through east boundary of 1295, north boundary of 1295, part west of 1295 again it cross the north boundary of plot no. 3250 and touches the part boundary of 1354. Then the line turns towards north direction along the east edge of plot no. 1353, 1323, and 1322. Then it passes through the north boundary of plot no.1322 northeast of 1320, north of 1319, part west boundary of 1319 north boundary of 1317, 1316, and 1315 up to touch the village road. After crossing the same road the line passes through the south boundary of plot no.603, 602, west of 602, east and north of 515. Again it passes through the part west boundary of plot no. 517, south of 518, part east of 519, south of plot 519, west of 519. Then it passes along southwest of 521, 522, 523. Again the line cross through west of 523 north of 523 then it passes through north edge of plot no. 524 east of 525 north of 525, 526 east of 527 north of 3242, 530 west of 530 then it passes north of 534 east of 535 north of 535,468. Then it turns towards north along part east boundary of 3341 north of 3341 west of 3341 south of 3225. Then the same line touches the common village boundary of Kaniha and Patharmunda and turns towards north direction and proceeds along same village boundary up to bi-junction pillar of Kaniha Basti. Then the line passes along the south edge boundary of Kaniha Basti up to touch the Kaniha Jarada village road plot no. 1148 up to point 'U'.

U-V: The line starts from point 'U' and turns towards north directions proceeds along the west side of Kaniha Basti boundary up to east corner point of plot no. 627 that is point 'V'.

V-W: The line starts from point 'V' and it passes through the north boundary of plot no.627, 625, 624 and 623, then it passes west boundary of plot no. 635, 636, north boundary of 638, 640, 641, 642, 644, 646, 647, part of 648. Then passes west boundary of 648, 650, 651, 653, 654, 1650, north boundary of 742, northeast of 743 partly north of 750, 751, east of 752, north of 752, partly west 752 again the same line passes through north boundary of 753, 754, 755, 770, 771, 772, 773, west boundary of 773, 768 and partly north west boundary of 1784. Then it passes through north of 777, west of 777, north of 779. Then the same line turns towards west direction along north boundary of plot no. 792, 858, 857 and partly west of 857, north of 839, and west edge of 839 then it passes through partly west boundary of plot no.856, west of 852, 856, northwest boundary of 856. Then the line turns towards east direction along west boundary of plot no. 856, South boundary of 865, 866, west boundary of plot no. 869, south edge of plot no. 868. Then the same line turns towards south direction along partly west boundary of 869 up to north edge of road and turns towards west direction and proceeds along north edge of same road up to bi-junction pillar of Gohiradanda RF and Kaniha village at point 'W'.

W-L: Again the same line proceeds south direction along common village boundary of Kaniha and Gohiradanda RF and touches the bi-junction pillar of same village to close at point 'L'.

BLOCK-'B':

K-J: The line starts from point 'K' which is situated on the common boundary of village Jaipur and Kansamunda and common boundary at plot no. 280 and 4003, then it proceeds towards west direction along the same common village boundary up to south west corner point plot no. 3894 of village Kansamunda touches the point 'J'.

J-I: The line starts from 'J' and it turns towards north direction. The line enter to the village Kansamunda and proceeds with touches the west boundary of plot no. 3894,3886,3885,3881,3880,3879,3874, up to Nala, then it turns towards south west direction and proceeds along the south edge of same Nala then it turns north direction and passes along the west boundary of plot no. 3915, 3928, 3688,4510,4511,4512 and up to south west corner of plot no. 3615 then the same line turns towards north west direction and passes over west boundary plot no. 4515 then it turns towards north direction and proceeds with crossing the road and proceeds along the west boundary of plot no. 1959 up to north west corner of plot 1959. Next the same line turns towards east direction and passes over northern boundary of plot no. 1959 up to west corner of plot no.1957. Again the same line turns north east direction passes through west boundary of plot no. 1957, 1962, 1963,18887,1828 and it touches the Kansamunda village road. Again the line divert towards south west direction and proceeds along south edge of the same road then the line turns towards north direction and cross the same road and proceeds up to the edge of road then it turns towards east direction and passes north edge of the plot no.1827, then it turns towards north direction and goes through western edge of plot no. 1823, 1824 up to point 'I', which is situated on the northwest common boundary point of plot no. 1824 and 1814.

I-H: The line starts from 'I' and proceeds towards east direction up to point south east corner of plot no. 1817. Again it turns towards north direction and proceeds along the eastern boundary of plot no. 1817 up to the plot no. 1818. Again the

line proceeds towards direction east along the boundary of plot no. 1822, 1821 and up to south east corner of plot no. 1785. Then line turns towards north direction and passes over west boundary of plot no.1782 up to north west corner of plot no.1782 again it turns towards east direction and goes through northern edge of plot no.1782,1781,1780 and then it moves towards north direction and proceeds along part west boundary of 1777 up to north west corner of 1777 again same line turns towards north east direction and passes through northern boundary of plot no.1777,4698,1775,4701,1773 and it turns south direction proceeds along east boundary of plot no. 1773 reach up to point 'H'.

H-K: The line starts from 'H' and proceeds towards south direction along west boundary of plot no. 4708 and touch the Kansamunda village road, the it passes through partly northern boundary of plot no. 1759 and passes through plot no. 1759. Then it passes along the northern and partly western boundary of plot no. 1682 and 1757, northern and western boundary of plot no.1751 partly western boundary of plot no-1752, northern and western boundary of plot no. 1754, northern boundary of plot no.1741, northern and part western boundary of plot no. 1740, northern and western boundary of plot no. 1737, partly western boundary of plot no. 1706, northern and western boundary of plot no. 4412, western boundary of plot no. 1707, partly northern boundary of plot no. 1713, northern and western boundary of plot no.1726, part northern and western boundary of plot no. 1721, western boundary of plot no.4577, northern and western boundary of plot no. 4839, partly northern boundary of plot no.1974 and crosses the plot no. 1974. Then it proceeds along the northern and partly western boundary of plot no.4060, partly northern boundary of plot no.3962. Eastern, northern and western boundary of plot no. 3963, part western boundary of plot no. 3962, western boundary of plot no. 4615 and partly western boundary of plot nos. 4615 and 4055, northern boundary of plot nos. 4047 and 4046. Northern, western and partly southern boundary of plot no. 4045 and partly western boundary of plot no.4050. Then the lines moves along the northern and western boundary of plot no-4038, partly western boundary of plot no. 4036, northern and western boundary of plot no-4024,4026, west boundary of 4017, 4013,4011,4005 and 4004 and closed at Point 'K' on the common village boundary of village Kansamunda and Jaipur.

BLOCK- 'C':

A-B: The line starts at point 'A' is the tri junction pillar of village Jamania, Adaitaprasad and Malapasi and proceeds towards south direction along common village boundary of village Malapasi and Jamania. Then the line touches the tri junction pillar of village Gundurinali, Jamania and Malapasi. The same line proceeds towards southeast direction along common village boundary of Gundurinali and Jamania and touches the west side of plot no. 399 of village Jamania. Then it enter in to village Gundurinali touches northwest side of plot no. 485 then it turns towards southeast direction along the boundary of same plot. After touching this point it turns towards southwest boundary of plot no. 486. again it turns and proceeds southeast direction along the boundary of above plot. Then the line moves towards southwest and proceeds along western boundary of plot no. 973 and northern boundary of 972 and moves south direction along west boundary of plot no. 972,1064,1066,1068 and 1070. Again it turns towards east direction and passes through south side boundary of plot no. 1070. Then the line turns towards south and passes west boundary of plot no.1074 and 1075. Again same line turns towards direction southeast and prods along the south boundary of plot no. 1075 and 1838. After touching the common point of plot no. 1838 and 1059. Next it proceeds towards east along south boundary of plot no. 1059 and touches the village road again turns towards south direction and proceeds west edge of same road up to end point of the road and turns towards east and passes up to its width. The same line moves towards northwest direction along east part edge of same road and reaches at northwest corner point of plot no.1796. Then it turns towards east direction along the south boundary of plot no.1795 up to east side common poi of plot no. 1795 and 1796. Again it turns south direction and proceeds through east boundary of plot no. 1796 and 1797., then it turns towards west direction up to east common boundary point of plot no. 1797 and 1798 then it move towards south direction and proceeds along the east boundary of plot no. 1798 again it turns towards west direction along the south boundary of same plot up to common point of plot no. 1798 and 1800 again it turns towards south and proceeds along the part east boundary of plot no. 1800 up to point 'B'.

B-C: The line starts from point 'B' which is situated at southwest side common point of plot no. 1054 of village Gundurinali. Then the line passes through south boundary of plot no. 1054 and reach up to common village boundary of Gundurinali and Chhelia and enters in to village Chhelia along the south boundary of plot no. 1826 of village Chhelia. Then it turns towards north direction along the east boundary same plot up to common point of plot no. 1708 and 1826. Then it moves and proceeds through southern boundary of plot no. 1708, 16,20 and 21 up to common point of 21 and 46. Again it turns towards direction south along west edge of plot no. 46,47 and south edge of 47 up to common point of plot no. 47 and 48. Then it turns towards south direction and proceeds through southern boundary of plot no. 61,65,64 and 74 up to common point of plot no. 74 and 75. Again the line turns towards east direction and passes along southern boundary of plot no. 74, then it turns and proceeds towards south east direction along west edge of plot no. 1769 again it moves towards north east direction and proceeds along southern boundary of plot no. 1769 up to south edge of plot no. 139. Again it turns towards southeast direction proceeds along south edge of plot no.139,137 up to starting point of plot no. 135. After crossing the width of plot no. 137 the line moves towards northwest direction along the part east edge of plot no. 137 and touches the common point plot no.137 and 248. Again it moves towards north direction along east edge of plot no.248 up to plot no. 274. Again the line turns towards southeast direction and proceeds through south boundary of plot no. 274, 1690, 276, 1662, 1473, 590, 545 and 543 and touches south corner of 543. Again it turns towards northeast direction and proceeds along western boundary of plot no. 488 and moves towards east direction along the southern boundary of plot no. 542, 541, 501, 502, . Then it turns towards north direction along east boundary of 502 and

turns and moves towards east direction along south boundary of 504, and 456. Then the line turns to south direction and passes along the western boundary of plot No. 440 then it turns towards east direction along south boundary of plot no. 440, 439, 438 again it moves towards direction north passes along east boundary of plot no. 438, and it passes through south, east and north boundary of plot no. 1422 then it moves towards north direction along east boundary of plot no. 437 and then turn towards east direction along south boundary of 420, 421, 422 along the part western edge of the same road up to common point of common point pf plot no. 995 and road. Then it turns towards east direction proceeds up to south corner of plot no. 1199. Again it turns towards south direction and passes through western edge of plot no.1199, 1200 andb 1483 up to southwest corner of 1483. Again it turns towards east direction and passes through south edge no.1483, 1484, 1201, 1202,1203 and then the line turns towards south direction along west boundary of 1363, 1365. Again the line turns towards east direction along south boundary of 1365. Then it turns towards north direction passes through eastern boundary of 1365. again it moves towards east direction and passes through south boundary of 1207, 1364,1681, part east of 1485, 1232, 1233, 1530, 1531, 1697, 1696, 1695, 1694, 1693, 1470, 1678, 1687, 1186 and 1184 and again it turns towards south east direction and proceeds along east edge of plot no. 1318, 1319, 1320, 1321, 1322 and 1327 up to point 'C' which is situated at Tri junction pillar or Chhelia, Kaharmunda and Badatribida.

C-D: The line starts from point 'C' and proceeds towards north direction along east side edge of plot no. 1171 that is the common village boundary of Chhelia and Kaharmunda, up to east corn of plot no. 1170. Again the line turns towards northeast direction passes through same common village boundary up to Tri- junction pillar of village Chhelia, Patharmunda and Kamarei. Next the line proceed towards north direction along common village boundary of Chhelia and Kamarei through the Tri junction pillar of village Chhelia, Kamarei and Matharagadi R.F. Again it extends in same direction along the common boundary of village Chhelia and Matharagadi R.F and it touches pt 'D', which is at turning point of common village boundary of Kamarei and Matharagadi R.F.

D-E: From point 'D' the line starts and proceeds east direct along the common boundary of village Kamarei and Matharagadi R.F up to point 'E' which is east side boundary common point of same R.F.

E-F: The line starts from E moves towards northwest direction and proceed along common boundary of village Kamarei and Matharagadi R.F upto west corner of plot number 2550 of village Kamarei and again it turns towards northeast direction and passes through common village boundary of Kamarei and Telisingha and cross tri-junction pillar of Telisingha, Kamarei and Dandasingha upto bi-junction pillar of Telisingha and Dandasingha. Again same line turns towards north direction proceed along common village boundary of Dandasingha and Telisingha upto tri-junction pillar of village Telisingha, Ambapal and Dandasingha. Again it proceeds in same direction along common village boundary of Telisingha and Ambapal upto point 'F' which is situated on the same common village boundary and north east corner of plot no. 2594 of village Telisingha.

F-G: The line starts from point 'F' proceeds west direction along the north boundary of plot no. 2594 of village Telisingha again turns to south direction and proceeds along partly west boundary of same plot. Then it turns towards west direction along the northern boundary of plot no. 817,816,815 and 813 up to northwest corner of plot no. 813. Then it moves towards south direction along the western boundary of plot no. 813 and 814. After reaching at south west corner of plot no. 814 again it turns to west direction and proceeds along the north boundary of plot no. 837,840, and 841, again it turns towards south direction along the western boundary of plot no. 840. Then it moves towards north west direction along the north boundary of plot no. 844,868,869 and 870. then it divert towards south west direction along the northern boundary of plot no. 870,8,874,876 and 880 up to south west corner of plot no. 880. Again it turns towards west direction and proceeds along partly north boundary of plot no. 881 up to east side of Telisingha village road. Again it turns towards south west direction and proceeds along the east edge of same village road up to plot no. 2019. Again same line turns towards south west direction along the west boundary of plot no.2019, 2018, 2082, 2085 and 2087 to touch the southwest corner of plot no. 2085. Again the line moves towards south east direction proceeds along the south boundary of 2085 up to south corner of plot no. 2085. Again it turns and passes through west boundary of plot no. 2087 to touch the common boundary point of 2087 and 2208. Again it moves towards west direction and passes along partly south boundary 1912 and touch the north common boundary point 1877 and 2208. Again it turns towards south direction and proceeds along east boundary of plot no. 1877 to touches the south east corner of plot no. 1877. Again it turns towards east direction and proceeds along north boundary of plot no. 2631 up to common point 2631 and 2207. Again it turns towards south direction and proceeds along east boundary of plot no. 2211 and west boundary of 2218 up to road. After crossing the Telisingha village road the line move to south direction along east boundary of plot no. 2255 to touch the point 'G', which is situated at common point of plot no. 2255, 2254 and 2257.

G-A: The line starts from point 'G'. After crossing the village road of Telisingha the line moves towards west direction along north side of plot no. 2259 up to northwest corner of same plot. Then it moves towards southeast direction along partly west side boundary of same plot. Then the line proceeds towards west direction along northern boundary of plot no. 2266 and touch no. 2269. Then turns towards south direction along west boundary of the plot no. 2266 up to southeast corner of plot no. 2269. It moves west direction along southern boundary of plot no. 2269, 2270, 2271 and 1583 and reach at northeast corner of plot no. 1580. The line turns towards southwest direction along eastern boundary of plot no. 1580 and 1581 and reach south east corner of plot no. 1581.next it turns towards west direction and proceeds through northern boundary of plot no. 1582, 1575,1576,1574,1570 and up to road. Again it turns towards south direction along the western edge of same road up to south corner of plot no. 1562. Again it turns towards west direction and passes along north boundary of plot no. 1533, 1534,1535,1481,1498 and 1497 and touches the common village boundary of

Telisingha and Jarada. Again it proceeds along the same direction then it enters in to village Jarada along the northern boundary of plot no. 3785, 3777, 3775, 3774, 3767, and 3768 of village Jarada. Next it turns towards south direction along the part west boundary of 3768 up to common boundary point of 3768 and 3751. Again it moves towards west direction and proceeds along the north boundary of 3751, 3754 and 3969 to touch east side of pond. Then it turns towards north direction and passes along partly eastern boundary of plot no.3748 (Embankment of Pond) up to north east corner of the same plot. Again the line moves towards west direction along the northern boundary of plot no. 3747(Pond) up to northwest corner of 3746. Then the same line turns towards south direction to cover partly west boundary of same plot up to northeast corner of 3968. Again it turns towards west direction and proceeds to the south boundary of Jarada Basti and reach up to northeast corner of plot no. 3313. The same line turns towards west direction and proceeds along northern boundary of plot no.3313, 3311, 3309, and 3307 and reach northwest corner of plot no. 3306. Again the line moves towards northwest direction and proceeds along west boundary of plot no. 3304, 3302, 3283, 3282, 3272 and 3271. Again the line proceeds towards west direction along the north boundary of plot no. 1709, east of 1631, north of 1632, 1631, 1633, 1635, 1625, 1622, 1621, 1645, 1646, 1649, 1650, 1604, 1600, 1601, 1681, 1682, and 1683 up to common village boundary of Jarada and Jamania. Then the line moves towards north direction and proceeds along same village boundary up to plot no. 303 northeast corner of village Jamania. Then the line enters to Jamania village towards direction northwest and passes along north boundary of plot no. 303,302,301,300,299. Again the line turns to direction north along the east boundary of plot no. 298 then turn to west direction and proceeds along the north boundary of plot no. 298,297,509,286,283,588 up to 587. Next the line turns towards north direction and passes along the partly western boundary of plot no. 276 up to common boundary corner of plot no. 28 and 276. Then the same line moves towards northwest direction and passes along north boundary of plot no. 238 then it crosses the existing Jamania village road and proceeds along the south edge of the same village road up to plot no. 60. Then it turns towards south direction and proceeds along west boundary of plot no. 60. Then it moves west direction and passes along the south boundary of plot no.59, 57,591. Then the same line turns towards north direction passes along port west boundary of 591 then it turns towards west direction and passes along south edge of plot no. 51. Again it turns north direction along the same plot boundary then it turns towards west direction and proceeds along north boundary of plot no. 53 up to common of plot 50 and 53. Again it turns towards south direction along the east boundary of plot no. 49 up to southeast corner of plot no.49. Again moves towards west direction and proceeds along the southern boundary of plot no. 49, 48, 43 and 42 up to south west corner of plot no.42. Again the same line moves towards north direction along the point eastern boundary of plot no. 37 up to northeast corner of plot No. 37. Then it turns towards west direction and proceeds along the southern boundary of plot no. 41, 40,7,39. the same line proceeds along south boundary of 39, part east of 29, south of 29 part west of 29, south of 27, part west of 27, south of 26,25 and west of 25 to touch the edge of road and turns towards west direction along the south edge of same road to close at point 'A'.

[F. No. 43015/12/2018-LA&IR]

RAM SHIROMANI SAROJ, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 5 अक्टूबर, 2018

का.आ. 1471.—राजीव गांधी पेट्रोलियम प्रौद्योगिकी संस्थान (आरजीआईपीटी) अधिनियम, 2007 के नियम 5(1) के तहत प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद् द्वारा श्री विश्वजीत रॉय, निदेशक (मानव संसाधन), ऑयल इंडिया लिमिटेड (ओआईएल) को आरजीआईपीटी के पुनर्गठित बोर्ड ऑफ गवर्नर्स में 3 वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, तत्काल प्रभाव से सदस्य के रूप में नियुक्त करती है।

[फा. सं. जे-25021/13/2014-सा. (खंड)]

जे.सी. बाबू, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 5th October, 2018

S.O. 1471.—In exercise of the powers conferred under Rule 5(1) of the Rajiv Gandhi Institute of Petroleum Technology (RGPT) Act 2007, the Central Government hereby appoints Shri Biswajit Roy, Director (HR), Oil India Limited (OIL) as Member on the reconstituted Board of Governors of RGPT with immediate effect for a period of three years or until further orders, whichever is earlier.

[F. No. J-25021/13/2014-Gen. (Pt.)]

J. C. BABU, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 19 सितम्बर, 2018

का. आ. 1472.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मैसर्स कमबाता एवीएशन प्राइवेट लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 1 दिल्ली के पंचाट (संदर्भ संख्या एलसीए नं. 6/2012, आईडी 60/13) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.08.2018 को प्राप्त हुआ था।

[सं. एल-20013/02/2018-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENTNew Delhi, the 19th September, 2018

S.O. 1472.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi (Ref. LCA No. 6/2012, ID No. 60/13) as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of M/s. Cambata Aviation Pvt. Limited and their workmen, which was received by the Central Government on 31.08.2018.

[F. No. L-20013/02/2018-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE**IN THE COURT OF SHRI AVTAR CHAND DOGRA : PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT No. 1, DWARKA COURTS COMPLEX NEW DELHI****LCA No. 6/2012 (ID No. 60/13)**

Shri S.K. Sharma
s/o. late Shri Inder Pal Sharma,
r/o. E-84, Raj Nagar-II,
Gali Mamta Bakery, Palam Colony,
Delhi 110045.

... Workman

Versus

M/s. Cambata Aviation Pvt. Td.,
Through its Chief Operating Officer-Delhi,
Shri Y.S.Cooper
At: Bay-81, Line Maintenance Building Block-A, IGI Airport, Terminal-III,
New Delhi 110037.

Also at :-

Room No. 9 & 9-A, Vasant Square Mall,
Vasant Kunj, New Delhi.

... Management

AWARD

This is an application/complaint filed by the Workman/claimant Shri S.K.Sharma under Section 33-A of the Industrial Disputes Act (hereinafter referred to as "the Act"), with the averments that workman was appointed by the Management as Supervisor on 1/9/2006 on a basic salary of Rs.7775/- per month and on the basis of his performance, confirmation letter dated 20/2/2007 was issued by the Management, thereby he was confirmed w.e.f.1st March, 2007 on basic salary of Rs.8350/- per month. The workman was promoted as Duty Officer w.e.f. 1/12/2010 on the basic salary of Rs.14638/- per month and last drawn salary of the workman was Rs. 29126/- per month. The workman gave no chance of any complaint to the Management and worked with full devotion and sincerity. It is alleged that the Management suddenly terminated the services of the workman without any rhyme and reason on 31/10/2012, though he was on medical leave w.e.f. 15.10.2012 and had sent medicals of the govt. Hospital to the Management through FAX. The termination of the workman is illegal and unjustified, inasmuch as the Management has terminated the services during the pendency of industrial dispute bearing No. 122/2012 regarding dearness allowance/variable Dearness allowance, as referred for adjudication by the appropriate govt, vide reference Order No.L-11- 12/9/2012 (IR-(CM-1) dated 11/7/2012. It is pleaded that the Management is guilty of the provisions of Section 33 (2)(b) of the Act. Prayer has been made for setting aside the order of termination dated 31/10/2012 and for reinstatement of the worker into the service with full back wages and all consequential benefits.

2. In the reply to the complaint, it has been stated by the Management that the complainant S.K.Sharma is not a workman within the meaning of the ID Act, as he was employed for the post of Supervisor and subsequently promoted

to the post of Duty Officer vide letter dated 29/11/2010 and he was drawing gross salary of Rs. 30276/- per month. His duties/functions were mainly of supervisory nature and as such the claim of the applicant/claimant is not maintainable. It has been denied that service record of the applicant was unblemished. It has been pleaded that termination of services of the applicant is in terms of letter of appointment and contract. Since the applicant was not a workman, no application was required for approval under Section 33(2)(b) of the Act. Prayer has been made for rejection of the present application.

3. On the pleadings of the parties, following issues were framed on 18.4.2013

- 1) Whether service conditions of the claimant were altered in violation of the provisions of Section 33 of the Industrial Disputes Act, 1947 ?
- 2) Whether the claimant is entitled to relief of reinstatement in service ?

4. In view of the provisions of Section 33-A of the Act, the instant complaint was/is treated to be a dispute as referred to this Tribunal in accordance with the provisions of the Act. As such, this Tribunal is required to submit the Award to the appropriate Government.

5. The applicant in support of his case examined himself as W.W.1 and tendered her affidavit Ex.WW1/A alongwith documents Ex.WW1/1 to WW1/12.

6. On the other hand, the Management in order to rebut the case of the claimant had examined one Shri C.S.Madan, Senior Manager (HR) as MW1 who tendered his evidence by way of affidavit Ex.MW1/A alongwith documents Ex.MW1/1 to Ex.MW1/42 and also relied on documents so filed by the applicant/workman and also exhibited as WW1/M-1 to WW1/M-39. It is a matter of record that the witness of the Management MW1 though put to cross examination on 30/9/2014 and 7/4/2015, did not enter the witness box for his further cross examination for the last so many dates and hence, evidence of the management was closed vide order dated 6.3.2017. It is pertinent to mention here that the management thereafter opted not to contest the claim of the applicant/workman and the matter was proceeded ex parte against the Management vide order dated 18/4/2017.

7. Although no specific issue has been framed as regards the preliminary objection taken by the Management that the claimant herein does not fall within the definition of the workman as he was performing his duties of administrative/supervisory nature and further that, salary of the claimant is above the statutory limit so as to exclude the claimant from the definition of "workman" under Section 2(S) of the Act, I proceed to decide firstly this issue being legal in nature.

8. AR appearing on behalf of the claimant submitted that claimant was not performing any kind of supervisory duty, though he was designated as Supervisor and subsequently as Duty Officer.

9. It is well settled that in order to find out as to whether a person was performing the work of supervisory or managerial in nature, the dominant purpose of the employment of the person concerned should be taken into consideration and certain additional duties performed by him should be ignored while determining the status and character of the person. Since the objection regarding the status of the workman being employed in supervisory capacity has been taken by the management as such the onus to prove this fact is upon the management but the Management has failed to discharge this onus, inasmuch as the MW1 CS Madan, did not enter the witness box for his further cross examination for the last so many dates and hence, evidence of the management was closed vide order dated 6/3/2017 and as such, his testimony can not be read in evidence. It was imperative for the management to adduce cogent evidence to prove the specific nature of duty regarding supervisory or managerial work. In order to find out whether the workman herein falls within the definition of workman as defined in section 2(s) of the Act. It would be expedient to have a glance on definition of the term 'workman', contained in section 2(s) of the Act. For sake of convenience, definition of term 'workman' is reproduced thus:—

"2(s) Workman means any person (including an apprentice) employed in any industry to do any manual, unskilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purpose of any proceeding under this Act in relation to an industrial dispute includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person-

- (i) Who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act 1950(46 of 1950) or the Navy Act, 1957 (62 of 1957), or
- (ii) Who is employed in the police service or as an officer or other employee of a prison , or
- (iii) Who is, employed mainly in a managerial or administrative capacity, or
- (iv) Who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

10. The first part of the definition gives statutory meaning of the term 'workman'. This part of the definition determines a workman by reference to a person (including an apprentice) employed in an "industry" to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward. This part determines what a "workman" means. The second part is designed to include something more in what the term primarily denotes. By this part of the definition, person (i) who have been dismissed, discharged or retrenched in connection with an industrial dispute, or (ii) whose dismissal, discharge or retrenchment has lead to an industrial dispute, for the purpose of any proceeding under the Act in relation to such industrial dispute, have been included in the definition of "workman". This part gives extended connotation to the expression "workman". The third part specifically excluded the categories of persons specified in clauses (i) to (iv) of this sub section. The third part connotes that even if a person satisfies the requirements of any of the first two parts but if he falls in any of the four categories in the third part, he shall be excluded from the definition of 'workman'. Not only the persons who are actually employed in an industry but also those who have been discharged, dismissed or retrenched in connection with or as a consequence of an industrial dispute, and whose dismissal, discharge or retrenchment has lead to that dispute, would fall within the ambit of the definition. In other words, the second category of persons included in the definition would fall in the ambit of the definition, only for the purpose of any proceedings under the Act in relation to an industrial dispute and for no other purposes. Therefore, date of reference is relevant and in case a person falls within the definition of workman on that day, the Tribunal would be vested with jurisdiction to entertain it and the jurisdiction would not cease merely because subsequently the workman ceases to be workman.

11. For an employee in an industry to be a workman under this definition, it is manifest that he must be employed to do skilled or unskilled manual work, supervisory work, technical work or clerical work. If the work done by an employee is not of such a nature, he would not be a workman. The specification of the four types of work obviously is intended to law down that an employee is to become a workman only if he is employed to do work of one of those types, while there may be employees who, not doing any such work, would be out of the scope of the word 'workman', without having resort to the exceptions. It cannot be held that every employee of an industry was to be a workman except those mentioned in the four exceptions as in the case these four classifications need not have been mentioned in the definition and a workman could have been defined as a person employed in an industry except in cases where he was covered by one of the exceptions.

12. In cases where an employee is employed to do purely skilled or unskilled manual work, or supervisory work or technical work or clerical work there would be no difficulty in holding him to be a workman under the appropriate classification. Frequently, however, an employee is required to do more than one kind of work. In such cases, it would be necessary to determine under which classification he will fall for the purpose of finding out whether he does not go out of the definition of 'workman' under the exceptions. The principle is now well settled that, for this purpose, a workman must be held to be employed to do that work which is the main work he is required to do even though he may incidentally doing other type of work.

13. Applying the legal principle as discussed above, this Tribunal is to examine whether claimant was performing any supervisory or administrative type of job so as to exclude him from the definition of workman. In this regard it is appropriate to refer to the version of the applicant S.K.Sharma. While appearing as WW1, the applicant deposed that though the management had promoted him upto the post of Duty Officer but his service conditions remained the same as of Asstt.Supervisor, Nature of his job was of manual and operation and he did not have any administrative, managerial and financial powers. His main job was of man-power allocation as per the duty roaster made by the Management. In cross examination, he clarified that duty allocation roasters were prepared by the Managers and sent to the Supervisor for allocation as per the requirement of the airlines. The Supervisor looked after the loading performed by the loaders. Mostly he worked in the Vigilance Department, which was looking after the discipline among the staff. He also clarified that he used to work as per instructions of Manager, though he admitted the documents Ex.WW1/M-1 to M-39 which are duty allocation and daily working reports etc., related to him.

14. To my mind simply because the claimant was supervising the loading work performed by the Loaders, would not be legally sufficient to exclude him from the definition of the workman inasmuch the Duty Allocation Roasters were prepared by the Managers. It has been held in the case of *Hussan Mithu Mhaswvadkar Vs. Bombay Iron and Steel Iron Board (2001) 7 SCC 394* that the designation of an official alone is not decisive regarding applicability of the definition of workman under the Act and one has to examine the nature and kind of his duty as well as power and functions of such official, so as to decide whether he is performing supervisory nature of work or whether he is mainly employed in managerial or administrative capacity or not. There is nothing in svidence of the Management as to what was the supervisory nature of work/duty which the claimant was independently performing and in what kind of policy decision, the claimant has taken part. There is also nothing on record to show that the claimant had got any kind of disciplinary powers or any official was working under his control, so as to hold that he was exercising any supervisory authority over his subordinates, inasmuch as MW1 CS Madan has admitted in his cross examination that the applicant was not empowered to appoint, terminate, demote or promote or issue chargesheet or sanction leave to any employee and even no financial power was given to him.

15. In the case *Tata Sons Ltd. Vs. S. Bandyopadhyay 2004 (102) FLR 157 (Delhi)* it was held that Deputy Manager (Engineering) does not come within the definition of workman, as he was required to report to his superior though was performing work which also included creativity and imagination. . There are also observations in the above

ruling that mere designation of an employee is not of any consequence for the purposes of determining whether he is a workman or not. What is of importance is the nature of his duties, particularly his primary duties or his basic duties and the dominant purpose of his employment.

16. There is hardly any dispute with the above proposition of law but in the case in hand there is no evidence on record to suggest that claimant was performing any managerial function or administrative work in the course of his primary or basic duties. The Management was under obligation to lead cogent evidence in this respect so as to exclude the claimant from the definition of the workman .

17. Equally settled is the position under law. The Industrial Dispute Act being a social and beneficial legislation, its provisions should be construed liberally and harmoniously so as to advance the interests of the workman.

18. In view of the above discussion, it is held that the claimant herein falls within the definition of workman.

Issue No.1 and 2:-

19. Both these issues being inter related are being taken up together for the purpose of discussion and they can be conveniently disposed of.

20. Now the vital question for consideration is as to whether termination of the claimant is illegal and against the provisions of the Act.

21. It is not in dispute that workman/applicant was appointed by the Management as Supervisor on 1/9/2006 and he was promoted to the post of Duty Officer w.e.f. 1/12/2010, which fact is manifest from the documents Ex.WW1/ and Ex.WW1/4. It is also not in dispute that the services of the applicant/workman were terminated by the Management on 31/10/2012. The workman/claimant had got sent a legal notice dated 5/11/2012 (Ex.VWV1/7) to the Management, which was replied by the Management vide letter dated 23/11/2012 (Ex.WW1/10). The Management has taken a plea that termination of services of the applicant is in terms of letter of appointment and contract, because since the applicant was not a workman, no application was required for approval under Section 33(2)(b) of the Act. As discussed above, this Tribunal has already held that the applicant is the workman within the meaning of Section 2(S) of the Act.

22. Testimony of the applicant that management has terminated his services during pendency of industrial dispute No.122/2012 referred for adjudication by the appropriate govt, vide reference Order No.L-11-12/9/2012 (IR-(CM-1) dated 11/7/2012, has also gone unchallenged. Since the industrial dispute between the workman and the Management, as referred to by the appropriate Govt, vide order dated 11/7/2012 (Ex.WW1/11), was pending adjudication, it was incumbent upon the Management to comply with the provisions of Section 33(2) of the Act, which reads as under :-

“33(2) Conditions of service, etc to remain unchanged under certain circumstances during pendency of proceedings -

(1).....

(2) During the pendency of any such proceedings in respect of an industrial dispute, the employer may, in accordance with standing orders applicable to a workman concerned in such dispute or, where there are no such standing orders, in accordance with the terms of contract, whether express or implied between him and the workman -

(a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman immediately before the commencement of such proceeding, or

(b) for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, that workman, Provided that no such workman shall be discharged, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer....”

It is manifest from the above that conditions contained in the proviso to Section 33(2)(b) are mandatory and their non-compliance would render the order of discharge or dismissal void or inoperative. As per the defence of the Management itself, they had not moved any application under Section 33(2)(b) of the Act, seeking approval of the Tribunal in respect of their action of termination of workman from service. Not making an application under Section 33(2)(b) seeking approval of any order passed against the workman during pendency of the industrial dispute is a clear case of contravention of the proviso to Section 33(2)(b) of the Act. To this view I am fortified by the decision in the case of Indian Telephone Industries Ltd. Vs. Prabhakar H. Manyure, 2003 LLR68. Resultantly, it is held that action of the Management in altering the service conditions of the claimant was in violation of the provisions of Section 33 of the Industrial Disputes Act, 1947 and that the order whereby services of the workman /claimant were terminated by the Management on 31/10/2012 is held to be void and inoperative.

23. Now the crucial question for consideration is whether the claimant is entitled to any incidental relief of payment of back wages and/or reinstatement of service. The workman/claimant while appearing as WW1 has deposed that he is unemployed from the date of the termination order, though he claimed to have received one month's notice pay from the Management but under protest. The Management has not adduced any evidence to show that after termination, the workman/claimant is gainfully employed somewhere else or that he is in a position to make his both

ends meet by doing any work. Even if it is assumed that the claimant is doing some intermittent or adhoc work to make his both ends meet, that would not itself amount to gainful employment.

(2) The Hon'ble Apex Court in case "*Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya*" reported as (2013) 10 SCC 324 has held as under:

"The propositions which can be culled out from the aforementioned judgments are :

- (i) In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule.
- (ii) Ordinarily, an employee or workman whose services are terminated and who is desirous of getting back wages is required to either plead or at least make a statement before the adjudicating authority or the Court of first instance that he/she was not gainfully employed or was employed on lesser wages. If the employer wants to avoid payment of full back wages, then I has to plead and also lead cogent evidence to prove that the employee/workman was gainfully employed and was getting wages equal to the wages he/she was drawing prior to the termination of service. This is so because it is settled law that the burden of proof of the existence of a particular fact lies on the person who makes a positive averments about its existence. It is always easier to prove a positive fact than to prove a negative fact. Therefore, once the employee shows that he was employed, the onus lies on the employer to specifically plead and prove that the employee was gainfully employed and was getting the same or substantially similar emoluments."

24. The Hon'ble Apex Court also held that different expressions are used for describing the consequence of termination of a workman's service/employment/engagement by way of retrenchment without complying with the mandate of Section 25F of the Act. Sometimes it has been termed as ab initio void, sometimes as illegal per se, sometime as nullity and sometimes as non est. Leaving aside the legal semantics, we have no hesitation to hold that termination of service of an employee by way of retrenchment without complying with the requirement of giving one month's notice or pay in lieu thereof and compensation in terms of Section 25F (a) and (b) has the effect of rendering the action of the employer and nullity and the employee is entitled to continue in employment as if his service was not terminated. (*Anoop Sharma Vs. Executive Engineer, Public Health Division No.1 Panipat* (2010) 5 SCC 497).

25. Three Bench Judges of the Hon'ble Supreme Court in the case of *Hindustan Tin Works Private Limited v. Employees of Hindustan Tin Works Private Limited* (1979) 2 SCC 80 held that relief of reinstatement with continuity of service can be granted where termination of service is found to be invalid. It would mean that the employer has taken away illegally the right to work of the workman contrary to the relevant law or in breach of contract and simultaneously deprived the workman of his earnings. If thus the employer is found to be totally, in that eventuality the workman is required to be reinstated, with full back wages. Plain common sense also dictates that the removal of an order terminating the services of workmen must ordinarily lead to the reinstatement of the services of the workmen alongwith payment of back wages.

26. Hon'ble Apex Court in the case *General Manager, Haryana Roadways Vs. Rudan Singh*, reported as 2005 SCC (L&S) 716 observed as under :-

"8. There is no rule of thumb that in every case where the Industrial Tribunal gives a finding that the termination of service was in violation of Section 25-F of the Act, entire back wages should be awarded. A host of factors like the manner and method of selection and appointment i.e. whether after proper advertisement of the vacancy or inviting applications from the employment exchange, nature of appointment namely, whether ad hoc, short term, daily wage, temporary or permanent in character, any special qualification required for the job and the like should be weighed and balanced in taking a decision regarding award of back wages. One of the important factors which has to be taken into consideration is the length of service, which is workman had rendered with the employer. If the workman has rendered a considerable period of service and his services are wrongfully terminated, he may be awarded full or partial back wages keeping in view the fact that at this age and the qualification possessed by him, he may not be in a position to get another employment. However, where the total length of service rendered by a workman is very small, the award of back wages for the complete period i.e. from the date of termination till the date of award, which our experience shows is often quite large, would be wholly inappropriate. A regular service of permanent character can not be compared to short or intermittent daily wage employment though it may be for 240 days in a calander year."

27. Yet in another latest case of *Bholanath Lai and others Vs. Shree Om Enterprises (P) Ltd., Manu/DE/1922/2018* (decided on 10/5/2018), Hon'ble High Court of Delhi while considering the question of illegal termination and reinstatement held as under :-

"The cases in which the competent court or tribunal finds that the employer has acted in gross violation of the statutory provisions and/or the principles of natural justice or is guilty of victimizing the employee or workman, then the court or tribunal concerned will be fully justified in directing payment of full back wages. In such cases, the superior courts should not exercise power under Article 226 or 136 of the Constitution and interfere with the award passed by the Labour Court, etc. merely because there is a possibility of forming a

different opinion on the entitlement of the employee/workman to get full back wages or the employer's obligation to pay the same. The courts must always keep in view that in the cases of wrongful/illegal termination of service, the wrongdoer is the employer and the sufferer is the employee/workman and there is no justification to give a premium to the employer of his wrongdoings by relieving him of the burden to pay to the employee/workman his dues in the form of full back wages."

A similar view has been taken in the case of *Delhi Jal Board Vs. Vimal Kumar decided on 5-4-2018* (MANU/de/1322/2018) wherein service of a casual driver was terminated without any notice or payment of one month's salary in lieu of such notice. The Industrial Tribunal answering the reference held the action of the management to be illegal and in violation of Section 25-F of the Act. The Award was upheld by Hon'ble High Court of Delhi by observing as under :-

"In view of the above discussion, I am unable to discern any illegality or infirmity in the impugned Award, dated 29th May, 2003, of the Labour Court, to the extent that it holds the termination of the services of the respondent, by the petitioner, to be illegal and unlawful. I am entirely in agreement with the finding, of the Labour Court, that the services of the respondent were retrenched in violation of Section 25-F of the ID Act and that, therefore, he was entitled to be reinstated in service with all consequential benefits. In view of the fact that going by the age of the respondent as disclosed in the counter affidavit filed before this Court, he would, today, be only 50 years of age, and also in view of the fact that the termination of his services as SCM Driver was not on account of any deficiency or shortcoming detected in the manner of discharge by the respondent, of his duties as such, I am of the opinion, that the facts of the present case, do not warrant any interference with the direction, of the Labour Court, to the petitioner to reinstate the respondent in service with the benefit of continuity of service. The petitioner is, therefore, directed to reinstate the respondent in service forthwith.

Inasmuch as the respondent has not been rendering any service to the petitioner since the date of his termination, however, the back wages payable to the respondent would be limited to 50 per cent of the wages which he would have drawn had he continued to serve the petitioner ..."

27. Having regard to the legal position as discussed above and the fact that the claimant was performing duty to a post of regular and perennial nature, coupled with the fact that he did not render any service to the Management since the date of his termination, this Tribunal is of the firm view that the claimant is entitled to reinstatement into service, with 50 per cent back wages, inasmuch as the order of termination of the claimant/workman being in violation to the proviso of Section 33(2)(b) of the Act is per-se void and inoperative.

Award is passed accordingly.

AVTAR CHAND DOGRA, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2018

का. आ. 1473.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मध्य रेलवे के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 19/2013-14) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.10.2018 को प्राप्त हुआ था।

[सं. एल-41011/127/2012-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 5th October, 2018

S.O. 1473.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 19/2013-14) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court* Nagpur as shown in the Annexure, in the industrial dispute between the management of Central Railway and their workmen, received by the Central Government on 05.10.2018.

[No. L-41011/127/2012-IR(B-1)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE SHRI S.S. GARG, PRESIDING OFFICER, CGIT-CUM-LABOUR COUR, NAGPUR

Case No.CGIT/NGP/19/2013-14

Date: 18.09.2018

Party No.1 : Ehsan Sharafat Khan,
R/o Silent Ganj, behind Kalapi,
Prem Nagar, Jhansi
Distt. Jhansi (UP).

Versus

Party No.2 : Divisional Railway Manager,
Central Railway, Kingsway,
Nagpur (MS)

AWARD

(Dated: 18th September, 2018)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Central Railway, Nagpur and workman Shri Ehshan Khan s/o Sharafat Khan a Hot Weather MRCL Waterman for adjudication, as per letter No. L- 41011/127/2012-IR(B-I) dated 16/05/2013, with the following schedule:-

"Whether the action of the management of Central Railway, Nagpur through its Divisional Railway Manager, Central Railway, Nagpur by not regularizing the services or giving Ty. Status to Shri Ehshan Khan S/o Sarafat Khan, Hot Weather MRCL Waterman is legal and justified? If not, then what relief he is entitled to?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, Shri Ehshan Khan S/o Sarafat Khan (Union in short) on behalf of the union filed the statement of claim and the management of Central Railway, Nagpur ("party no.1" in short) filed the written statement.

3. The Union filed a statement of claim by asserting that, the workman was appointed as MRCL Weather Hot casual mazdoor (monthly rated casual labour) on 05/04/1986 and served as casual labour for a period of 407 days from 05/04/1986 to 30/06/1991. According to him the workman and other about 250 workmen were engaged by the Party No.1 regularly since 1980. He acquired temporary status on completion of 120 days of continuous employment. He belongs to casual labour in Commercial Department. Seniority list of all casual labours is prepared by Party No. 1.

4. The Railway Board is the Apex Body of Railway Administration which issued a letter dated 24/07/1979 for absorption against regular vacancies in Group D Class IV category. According to union, workman is eligible for regularisation against regular vacancies. Circular dated 25/05/2001 have circulated of 247 persons are included and name of the workman also included in the said list. By order dated 06/11/2009 this Tribunal passed an order in case of Smt. Hemlata Sakhambar Bagade for regularisation and Divisional Railway Manager directed to Party No. 1 to absorb the petitioner. In this case, party approached to the Hon'ble High Court Bench at Nagpur in which Hon'ble High Court pleased to pass to set aside Award to the extent of 74 workmen and in respect of 56 workmen out of 74 workmen the award treated as no dispute award.

5. According to the union workman is out of job and is passing his day in penury and pray for declaration of absorption, the workman as permanent employee of railway and pray that he acquired the temporary status with retrospective effect.

6. On behalf of Party No. 1, written statement is filed by asserting that contention of para no. 1, 9 & 10 are matter of record. They admitted that, Railway Board is the Apex Body of railway administration which lays down policy decision in respect of the service conditions of railways employees including casual labour. They also admitted that railway board issued circular on 05/04/1986 are not applicable in case of the workman. They are not admitting the fact that the applicant was working as a casual labour during the year 1986.

7. According to Party No. 1 today the age of the workman is more than 45 years, according to Railway Board regarding decasualization scheme, the persons who are engaged up to the age of 45 years are eligible for recruitment. According to them the workman was not eligible for recruitment as age barred. Applicant's name was not appearing in the official record therefore the applicant was not screened. According to them Railway Administration has engaged the workman as casual labour and he has worked from time to time as per the records.

8. It was denied that the certificate regarding the said working was issued by the Station Superintendent through Passenger Amenity Supervisor on 28/03/1988, 26/03/1990, 04/08/1990 and 03/03/1992. According to Party No. 1 applicant is not appeared before Railway Authority and the Screening Committee therefore the railway administration

has not regularized the applicant in group D post. They also denied that workman name included in the seniority list. According to Party No. 1, the workman did not report before the railway/screening authorities in the year 2001 so his name was not considered for regularisation in Group D post.

9. According to party no. 1 the workman wants to enter into the service of railway administration through backdoor entry. Railway administration has recruited the persons in the Group D post other than decasualization scheme through the selection conducted by the railway recruitment board. They also denied that the workman is entitled for regularisation for permanent post and to give continuity in service so they pray that the workman service answered negative and statement of claim is liable to be dismissed with exemplary cost.

10. Points of determination

- 1) Whether the action of the management of the Central Railway, Nagpur in not regularizing the service of workman is legal and justified?
- 2) Whether the workman is entitled to any relief.

Reasons of determination:

11. On behalf of the union, he relied on the following case laws; Maharashtra State Road Transport Corporation and Another Versus Casteribe Rajya Parivahan Karmachari Sanghatana (2009) 8 Supreme Court Cases 556 and Divisional Manager, New India Assurance Company Limited Versus A. Sankaralingam (2009) 1 Supreme Court Cases (L&S) 55, in which following principles is laid down :-

- (i) That a workman employed on a part-time basis but under the control and supervision of an employer is a workman in terms of Section 2 (s) of the Act, and is entitled to claim the protection of Section 25-F thereof. The preponderance of judicial opinion is that a workman working even on a part-time basis would be entitled to benefit of Section of 25-F of the Act.”
- (ii) The Supreme Court under Article 32 of the Constitution in matters of public employment where the employees have been engaged as contractual, temporary or casual workers, not based on proper selection as recognized by rules or procedure and yet orders of their regularisation and conferring them status of permanency have been passed.”
- (iii) Court cannot direct creation of posts—Further held, status of permanency cannot also be granted by court where post does not exist.”

12. I relied on the following case laws:-M.P. Electricity Board Vs Jagdish Chand 2005 SCC (L&S) 417, Mihir Kumar Vs. LIC (2017) 2 SCC (L&S) 875, State bank of Bikaner Vs Nemi Chand (2011) 1 SCC (L&S) 584, Divisional Manager Plantation Vs. Munnu (2005) SCC (L&S) 200, Deputy Commissioner Vs J. Hussani (2013) 2 SCC (L&S) 833, Union Bank of India Vs Vishaw Mohan (1998) 4 SCC 310, State of Assam Vs Mahendra Kumar AIR 1970 SC Page No.1255, Union of India Vs Parma Nanda AIR 1989 SC Page No.1185 and State Bank Vs Samarendra Kishore 1994 SCC (L&S) 687, in which following principle are laid down :-

- i) Supreme Court as appellate court cannot sit over finding of Enquiry Officer and find fault in it, nor can appreciate evident of witness examined in departmental enquiry.
- ii) Held courts will not interfere except where findings are based on no evidence or where they are clearly perverse – Test of perversity i.e. whether authority concerned could have reasonably arrived at such conclusion or finding based on material on records is to be applied – Courts will interfere if principles of natural justice or statutory regulations have been violated or if order is arbitrary, capricious, mala fide or based on extraneous consideration.
- iii) Held, Courts should not be guided by misplaced sympathy or continuity ground as a factor in judicial review while examining quantum of punishment – In all cases dealing with penalty of removal, dismissal or compulsory retirement, hardship would result, which cannot be a ground to interdict with penalty.
- iv) Held, Industrial Courts would not sit in appeal over the decision of the employer unless there exists a statutory provision in this behalf - Moreover, Industrial Courts must act within the four corners of the statute concerned, in terms of the provisions thereof.

I fully agree with the principle laid down by Hon’ble Supreme Court. Now, I want to see the factual arguments with reference to the evidence produced by the both parties.

13. On behalf the workman it was argued that the workman was appointed monthly rated casual worker and he worked for 382 days for the period from 01.05.1987 to 30.06.1991. He fulfilled all the criteria of absorption in regular port in Class IV but the management denied his legitimate claim. On behalf of the workman, Ahsan Ulla Khan was examined and in the para of 11 to 16 in his cross examination he admitted that he passed Class X and he filed transfer certificate and mark sheet of class X but at present his age is 50 years old his relied on the documents Exhibit W-II to XVI but on behalf of the management Mr. Sanjay Kumar (MW 1) was examined and he relied on documents i.e. M-1 to M-IV. Now, I see the documents parts.

14. Exhibit W-II an affidavit of the workman dated 07/03/2003 filed by the workman, in which he want to change his name in school certificates. E/W-III to E/W-VII are experience certificates which was issued by the so called management but according to the workman PW-1 & MW 1 Shri Sanjay Kumar, they have no knowledge who has signed

on this documents. Both parties have relied on circular issued by Party No. 1 on 28/02/2001 (Exhibit M-IV) which shows that decasualization scheme on behalf of Party No.1.

15. On behalf of management it was argued that any time of decasualization scheme workman has worked 48 years of age and was not passed Xth examination he appeared before the screening committee by producing Exhibit W-VIII false list of the casual workers in which Party No. 1 has required to file copy of school leaving certificate, but the workman manipulated the document by mentioning his name on sl. No. 8 but on perusal of this document it appears that this list was made only seven person which is marked by A to A. On the contrary management produced M/1 in which name of the workman was not mentioned. And Exhibit M-II list of screening committee in which it was mentioned that the screening committee found that present workman not visible. In this way argument of the management appears to be relied.

16. Both parties did not produce copy of the award dated 06/11/2009 which is said to be passed by this Tribunal and Hon'ble High Court. On this case, pleading and statement of claim and written statement also not produced by the union. On contrary, it was argued by the management that Party No. 1 i.e. Hemlata case based on Parcel Porter Case but present case is based on casual labour regularization. In this case, workman did not prove their age proof by calling concerned school teacher so this fact is proved so that in the eye of evidence that he eligible at the time of screening committee on the count of age as well as qualification.

In case law--- Delhi Transport Corp. vs. Ombir Singh 2017 LLR 252, Hon'ble Lordship held that "Where principles of natural justice are not being complied with, then in such cases, compensation ought to be granted even if termination of service is found to be valid". On the basis of principle laid down in Engineering Laghu Udhog Employees Union vs Judge, Labour Court and Industrial Tribunal & others – (2003) 12 SCC 1 in which it was held that:- "no difference whether the matter comes before the tribunal for approval under S.33 or on a reference under S.10 of the Industrial Dispute Act, 1947. In either case if the enquiry is defective or if no enquiry has been held as required by Standing Orders, the entire case would be open before the tribunal and the employer would have to justify on facts as well that its order of dismissal or discharge was proper." "A defective enquiry in our opinion stands on the same footing as no enquiry and in either case the tribunal would have jurisdiction to go into the facts and the employer would have to satisfy the tribunal that on facts the order of dismissal or discharge was proper." These principles are also laid down by Hon'ble Supreme Court in case laws- Punjab Urban Planning & Development authority Vs. Mandip Singh (2016) 7 SCC-571, UPSRTC Vs. Gopal Shukla (2015) SCC 603, Sanjay Singh Vs. National Seed Corporation (2017) 13 SCC 269, V.D. Vegad Vs. State of Gujarat (2017) 2 SCC 508 and Angikr Oriental (Arbic) Higher Secondary School Vs. A. Harnoon (2017) 2 SCC 510.

The Hon'ble Supreme Court in above case laws: Divisional Manager, New India Assurance Company Limited versus A. Sankaralingam, held that, "The preponderance of judicial opinion is that a workman working even on a part-time basis would be entitled to benefit of Section of 25-F of the Act".

17. Judging the present case in hand with the touch stone of the principles as laid down above, I found that the workman was not eligible as per guidelines issued by Railway Board in Circular dated 28/02/2001 and found that he is not eligible for regularisation to the post of Class IV Category Group D. So, in my opinion, the union fails to prove that, he is eligible for the post of Class IV, but, I found that, the workman worked with the Railway near about 5 years, so I came to conclusion on the basis of the above case laws that, he is entitled a compensation of Rs. 1,00,000/- U/s 25-F of the above Act. Considering the present economical condition, liabilities of his family and present age for further job, management/Party No. 1 is directed that, workman may be considered, for any suitable temporary or part time job, if it is possible. Hence, it is ordered:

ORDER

The action of the management of Central Railway, Nagpur through its Divisional Railway Manager, Central Railway, Nagpur by not regularizing the services or giving Ty. Status to Shri Ehshan Khan S/o Sarafat Khan, Hot Weather MRCL Waterman is legal and justified, but the workman is entitled for Lumpsum monetary compensation of Rs. 1,00,000/- (Rupees One lac only) U/s 25-F of the above Act, which is payable within one month from the publication of this award in official gazette, failing which, amount due to workman will carry interest of 6% per annum from the date of due to the workman to the date of actual payment of the amount to the workman. He is not entitled for any further relief.

S.S. GARG, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2018

का आ. 1474.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मध्य रेलवे प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 06/2013-14) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.10.2018 प्राप्त हुआ था।

[सं. एल-41011/115/2012-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 5th October, 2018

S.O. 1474.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 06/2013-14) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur as shown in the Annexure, in the industrial dispute between the management of Central Railway and their workmen, received by the Central Government on 05.10.2018.

[No. L-41011/115/2012–IR(B-1)]

B. S. BISHT, Section Officer

ANNEXURE**BEFORE SHRI S.S. GARG, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/06/2013-14

Date: 18.09.2018

Party No.1 : Mohammed Sharif Shafi Hussain
R/o Plot No. 161, Mahendra Nagar,
Teka, Nagpur (MS)

Versus

Party No.2 : Divisional Railway Manager,
Central Railway, Kingsway,
Nagpur (MS)

AWARD(Dated: 18th September, 2018)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Central Railway, Nagpur and Shri Mohammed Sharif Shafi Hussain a Hot Weather MRCL Waterman for adjudication, as per letter No.L- 41011/115/2012-IR(B-I) dated 05.04.2013, with the following schedule:—

"Whether the action of the management of Central Railway, Nagpur through its Divisional Railway Manager, Central Railway, Nagpur by not regularizing the services or giving Ty. Status to Shri Mohd. Sharif Shafi Hussain, Hot Weather MRCL Waterman is legal and justified? If not, then what relief he is entitled to?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, Shri Mohd. Sharif Shafi Hussain (Union in short) on behalf of the union filed the statement of claim and the management of Central Railway, Nagpur ("party no.1" in short) filed the written statement.

3. The Union filed a statement of claim by asserting that, the workman was appointed as MRCL Weather Hot casual mazdoor (monthly rated casual labour) on 05/04/1986 and served as casual labour for a period of 407 days from 05/04/1986 to 30/06/1991. According to him the workman and other about 250 workmen were engaged by the Party No.1 regularly since 1980. He acquired temporary status on completion of 120 days of continuous employment. He belongs to casual labour in Commercial Department. Seniority list of all casual labours is prepared by Party No. 1.

4. The Railway Board is the Apex Body of Railway Administration which issued a letter dated 24/07/1979 for absorption against regular vacancies in Group D Class IV category. According to union, workman is eligible for regularisation against regular vacancies. Circular dated 25/05/2001 have circulated of 247 persons are included and name of the workman also included in the said list. By order dated 06/11/2009 this Tribunal passed an order in case of Smt. Hemlata Sakham Bagade for regularisation and Divisional Railway Manager directed to Party No. 1 to absorb the petitioner. In this case, party approached to the Hon'ble High Court Bench at Nagpur in which Hon'ble High Court pleased to pass order to set aside the Award to the extent of 74 workmen and in respect of 56 workmen out of 74 workmen the award treated as no dispute award.

5. According to the union workman is out of job and is passing his day in penury and pray for declaration of absorption, the workman as permanent employee of railway and pray that he acquired the temporary status with retrospective effect.

6. On behalf of Party No. 1, written statement is filed by asserting that contention of para no. 1, 9 & 10 are matter of record. They admitted that, Railway Board is the Apex Body of railway administration which lays down policy decision in respect of the service conditions of railways employees including casual labour. They also admitted that

railway board issued circular on 05/04/1986 are not applicable in case of the workman. They are not admitting the fact that the applicant was working as a casual labour during the year 1986.

7. According to Party No. 1 today the age of the workman is more than 45 years, according to Railway Board regarding decasualization scheme, the persons who are engaged up to the age of 45 years are eligible for recruitment. According to them the workman was not eligible for recruitment as age barred. Applicant's name was not appearing in the official record therefore the applicant was not screened. According to them, Railway Administration has engaged the workman as casual labour and he has worked from time to time as per the records. According to them, workman was the one of senior most employees and the number of the workers, who put in less service than him, was regularized. It is denied that there is any arbitration on the part of the Railway Administration.

8. It was denied that the certificate regarding the said working was issued by the Station Superintendent through Passenger Amenity Supervisor on 28/03/1988, 26/03/1990, 04/08/1990 and 03/03/1992. According to Party No. 1 applicant is not appeared before Railway Authority and the Screening Committee therefore the railway administration has not regularized the applicant in group D post. They also denied that workman name included in the seniority list. According to Party No.1, the workman did not report before the railway/screening authorities in the year 2001 so his name was not considered for regularisation in Group D post.

9. According to party no. 1, the workman wants to enter into the service of railway administration through backdoor entry. Railway administration has recruited the persons in the Group D post other than decasualization scheme through the selection conducted by the railway recruitment board. They also denied that the workman is entitled for regularisation for permanent post and to give continuity in service so they pray that the workman service answered negative and claim of the workman is liable to be dismissed with exemplary cost.

10. **Points of determination**

- 1) Whether the action of the management of the Central Railway, Nagpur in not regularizing the service of the workman is legal and justified?
- 2) Whether the workman is entitled to any relief?

Reasons of determination

11. On behalf of the union, he relied on the following case laws; Maharashtra State Road Transport Corporation and Another Versus Casteribe Rajya Parivahan Karmachari Sanghatana (2009) 8 Supermen Court Cases 556 and Divisional Manager, New India Assurance Company Limited Versus A. Sankaralingam (2009) 1 Supreme Court Cases (L&S) 55, in which following principles is laid down :-

- (i) That a workman employed on a part-time basis but under the control and supervision of an employer is a workman in terms of Section 2 (s) of the Act, and is entitled to claim the protection of Section 25-F thereof.
- (ii) The Supreme Court under Article 32 of the Constitution in matters of public employment where the employees have been engaged as contractual, temporary or casual workers not based on proper selection as recognized by rules or procedure and yet orders of their regularisation and conferring them status of permanency have been passed."
- (iii) Court cannot direct creation of posts—Further held, status of permanency cannot also be granted by court where post does not exist."

12. I relied on the following case laws:-M.P. Electricity Board Vs Jagdish Chand 2005 SCC (L&S) 417, Mihir Kumar Vs LIC (2017) 2 SCC (L&S) 875, State bank of Bikaner Vs Nemi Chand (2011) 1 SCC (L&S) 584, Divisional Manager Plantation Vs Munnu (2005) SCC (L&S) 200, Deputy Commissioner Vs J. Hussani (2013) 2 SCC (L&S) 833, Union Bank of India Vs Vishaw Mohan (1998) 4 SCC 310, State of Assam Vs Mahendra Kumar AIR 1970 SC Page No.1255, Union of India Vs Parma Nanda AIR 1989 SC Page No.1185 and State Bank Vs Samarendra Kishore 1994 SCC (L&S) 687, in which following principal are laid down :-

- i) Supreme Court as appellate court cannot sit over finding of Enquiry Officer and find fault in it, nor can appreciate evident of witness examined in departmental enquiry.
- ii) Held courts will not interfere except where findings are based on no evidence or where they are clearly perverse – Test of perversity i.e. whether authority concerned could have reasonably arrived at such conclusion or finding based on material on records is to be applied – Courts will interfere if principles of natural justice or statutory regulations have been violated or if order is arbitrary, capricious, mala fide or based on extraneous consideration.
- iii) Held, Courts should not be guided by misplaced sympathy or continuity ground as a factor in judicial review while examining quantum of punishment – In all cases dealing with penalty of removal, dismissal or compulsory retirement, hardship would result, which cannot be a ground to interdict with penalty.

- iv) Held, Industrial Courts would not sit in appeal over the decision of the employer unless there exists a statutory provision in this behalf - Moreover, Industrial Courts must act within the four corners of the statute concerned, in terms of the provisions thereof.

I fully agree with the principles laid down by Hon'ble Supreme Court. Now, I want to see the factual arguments with reference to the evidence produced by the both parties.

13. On behalf the workman it was argued that the workman was appointed monthly rated casual worker and he worked for 407 days for the period from 05.04.1986 to 30.06.1991. He fulfilled all the criteria of absorption in regular post in Class IV but the management denied his legitimate claim. On behalf of the workman, Mohammed Sharif Safi Hussain was examined and in the para of 12 to 16 in his cross examination he admitted that he passed Class Vth and he did not filed any documents regarding his education, he also admitted that department had published list of workers whose name were in the live register, he also know about the publication of the list, he filed an application before screening committee, he relied on document W-II to W-VIII. On the contrary on behalf of the management Mr. Sanjay Kumar (MW 1) was examined and he relied on documents i.e. M-1 to M-VI. Now, I see the documents parts.

14. Exhibit W-II to W-VII relating to the experience to the workman which was issued by the management but that fact not denied in any reliable evidence so it appears to be true. Both parties relied on Exhibit W-VIII circular dated 25/05/2001 and railway board circular dated 28/02/2001 (E/M-VI) which shows that Party No.1 implemented the regularisation under the decasualization scheme. On the perusal of the documents filed by the management M-I to M-V i.e. workman filed two applications on 14/05/2003 & 08/05/2003 (E/M-I & E/M-III) and two affidavits E/M-II and E/M-IV regarding age and qualification. According to the management he is not qualified for regularisation for the post of Class IV Category Group D because he is only Vth pass.

15. On behalf of the management it was argued that any time of decasualization scheme workman was not qualified because he is only Vth pass so he did not appear before the screening committee and Hemlata case is not applicable because it concern with parcel porter worker but this case is concerned with regularisation of casual labour so argument was that this case is not covered under Hemlata case.

16. Both parties did not produce copy of the award dated 06.11.2009 which is said to be passed by this Tribunal and Hon'ble High Court. On this case, pleading and statement of claim and written statement also not produced by the union. On contrary, it was argued by the management that Party No. 1 i.e. Hemlata case based on Parcel Porter Case but present case is based on casual labour regularization. In this case, workman did not prove their age proof by calling concerned school teacher so this fact is proved so that in the eye of evidence that he eligible at the time of screening committee on the count of age as well as qualification.

In case law--- Delhi Transport Corp. vs. Ombir Singh 2017 LLR 252, Hon'ble Lordship held that "Where principles of natural justice are not being complied with, then in such cases, compensation ought to be granted even if termination of service is found to be valid". On the basis of principle laid down in Engineering Laghu Udhhyog Employees Union vs Judge, Labour Court and Industrial Tribunal & others – (2003) 12 SCC 1 in which it was held that:- "no difference whether the matter comes before the tribunal for approval under S.33 or on a reference under S.10 of the Industrial Dispute Act, 1947. In either case if the enquiry is defective or if no enquiry has been held as required by Standing Orders, the entire case would be open before the tribunal and the employer would have to justify on facts as well that its order of dismissal or discharge was proper." "A defective enquiry in our opinion stands on the same footing as no enquiry and in either case the tribunal would have jurisdiction to go into the facts and the employer would have to satisfy the tribunal that on facts the order of dismissal or discharge was proper." These principles are also laid down by Hon'ble Supreme Court in case laws- Punjab Urban Planning & Development authority Vs. Mandip Singh (2016) 7 SCC-571, UPSRTC Vs. Gopal Shukla (2015) SCC 603, Sanjay Singh Vs. National Seed Corporation (2017) 13 SCC 269, V.D. Vegad Vs. State of Gujarat (2017) 2 SCC 508 and Angikr Oriental (Arbic) Higher Secondary School Vs. A. Harnoon (2017) 2 SCC 510.

The Hon'ble Supreme Court in above case laws: Divisional Manager, New India Assurance Company Limited versus A. Sankaralingam, held that, "The preponderance of judicial opinion is that a workman working even on a part-time basis would be entitled to benefit of Section of 25-F of the Act".

17. Judging the present case in hand with the touch stone of the principles as laid down above, I found that the workman was not eligible as per guidelines issued by Railway Board in Circular dated 28/02/2001 and found that he is not eligible for regularisation to the post of Class IV Category Group D. So, in my opinion, the union fails to prove that, he is eligible for the post of Class IV, but, I found that, the workman worked with the Railway near about 5 years, so I came to conclusion on the basis of the above case laws that, he is entitled a compensation of Rs. 1,00,000/- U/s 25-F of the above Act. Considering the present economical condition, liabilities of his family and present age for further job, management/Party No. 1 is directed that, workman may be considered, for any suitable temporary or part time job, if it is possible. Hence, it is ordered:

ORDER

The action of the management of Central Railway, Nagpur through its Divisional Railway Manager, Central Railway, Nagpur by not regularizing the services or giving Ty. Status to Shri Mohd. Sharif Shafi Hussain, Hot Weather

MRCL Waterman is legal and justified, but the workman is entitled for Lumpsum monetary compensation of Rs. 1,00,000/- (Rupees One lac only) U/s 25-F of the above Act, which is payable within one month from the publication of this award in official gazette, failing which, amount due to workman will carry interest of 6% per annum from the date of due to the workman to the date of actual payment of the amount to the workman. He is not entitled for any further relief.

S.S. GARG, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2018

का. आ. 1475.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 44/2013-14) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.10.2018 को प्राप्त हुआ था।

[सं. एल-12011/29/2013- आई आर (बी.-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 5th October, 2018

S.O. 1475.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 44/2013-14) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 05.10.2018.

[No. L-12011/29/2013- IR(B-1)]

B. S. BISHT, Section Officer

ANNEXURE

BEFORE SHRI S.S. GARG, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/44/2013-14

Date: 06.09.2018

Party No.1 : The Assistant General Manager (Admn.)
State Bank of India,
Administrative Office,
S.V. Patel Marg, Kingsway,
Nagpur-440 001.

Versus

Party No.2 : The Zonal Secretary,
State Bank of Workers Organization,
542, Dr. Munje Marg, Congress Nagar,
Nagpur-440012.

AWARD

(Dated: 6th September, 2018)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of State Bank of India and their's Union State Bank of Workers Organization, for adjudication, as per letter No.L-12011/29/2013-IR (B-I) dated 23.07.2013, with the following schedule:-

"Whether the action of the Assistant General Manager (Admn.), State of India, Administrative Office, Nagpur & Disciplinary Authority in imposing the penalty of "Be brought down to lower stage in the scale of pay by 2 stages" on Shri B.S. Fultankar, Special Assistant posted at State Bank of India, Khamgaon Branch vide order dated 08.04.2010 and turned down the appeal by the Appellate Authority & Deputy General Manager (O & C-III), State Bank of India, Zonal Office, Nagpur vide his order dated 31/08/2010, are just, fair & legal? To what the relief the concerned employee is entitled?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, the workman Shri B.S. Fultankar, ("the workman" in short) filed the statement of claim and the management of State Bank of India ("party no.1" in short) filed the written statement.
3. Workman filed a statement of claim through the union by asserting that, he was appointed in the bank through exam in the year 1976 as a clerk-cum-typist. The management issued charge sheet against him on the ground of gross misconduct and he filed reply. Mr. B.S. Vaidya appointed as an Enquiry Officer. Workman suggested Mr. D.S. Joshi, retired bank employee as a defence representative, but it was refused by the management.
4. Mr. R.S. Lote was appointed as second Enquiry Officer and workman suggested Shri S.L. Bhisikar as a defence representative, but enquiry concluded exparte. The Disciplinary Authority had sent enquiry report. He replied on 10.11.2017, but without issuing second show cause notice, Disciplinary Authority had imposed the punishment of bringing down a lower stage.
5. He filed departmental appeal, in which order of disciplinary authority was cancelled and the case was remanded for imposing of proper punishment. According to the workman, the Disciplinary Authority and the Enquiry Officer have patently violated the provisions of Awards and bipartite settlements by not allowing the retired person as a defence representative. There was no documentary proof to establish the monetary gain or to support the business of the wife. So, he prayed that, enquiry proceeding declared to be null and void and to be quashed and set aside and also prayed that, punishment imposed against him is illegal, so he prayed that, quash the all punishments imposed against him.
6. Management by filing reply in form of written statement by asserting that, union has no right under law to raise a dispute in case of lowering down in the scale of pay or warning. According to the management, workman has already adjusted the remedy of appeal. Bank is already ready to fulfill of his part of bipartite agreement.
7. According to the management, retired employee was not allowed to defend the workman during the enquiry, so, Mr. Joshi was not allowed to defend on behalf of the workman. Mr. Bhishikar was third defendant representative but he did not appear. They also asserted that, workman given strike notice to the bank. According to the management, there are no such provisions in service conditions to allow such person to defend the bank employee.
8. According to the management, they followed the all principles of natural justice in conduction of the departmental enquiry. They gave proper opportunity to the workman to defend his case, so, he prayed that, workman is not entitled for any relief.
9. Workman filed a rejoinder, mainly asserting those facts which were raised in the statement of claim. It also asserted that, the statement of claim has been drafted in the form of appeal. According to the workman, written statement is far away from the facts on record. He is entitled to allow a defence representative as per desire of the workman. So, on filing of rejoinder, workman repeated his prayer as mentioned in the statement of claim.

10. **Point of determination:**

A) "Whether action of management in imposing penalty to the workmen Shri B.S. Fultankar is just, fair and legal?

B) Whether workmen entitled?

Reasons of determination

11. On behalf of the workman, they relied on the following case laws:- D. Inbavalli Vs State bank of India Writ Appeal No.280 of 2014, Anandram Jiandrai Vaswani Vs Union of India (1983) II LLJ 122 Cal, Rajinder Kumar Kindra Vs Delhi administration 1984 AIR 1805, Anil Kumar vs Presiding Officer And Ors. AIR 1985 SC1121, Hindusthan Steel Ltd., vs Rourkela Mazdoor Sabha And Ors. AIR 1969 Ori 209, R.P. Bhatt vs Union of India 1986 AIR 1040, Ram Chander vs Union of India & Ors 1986 SCC (4) 12 and Hans Raj vs Union of India :-.

- a. It was held that, "Employee in a departmental proceedings, the technical or narrow interpretation cannot be given that such a representative will have to be a member. Clause 12 does not prohibit a retired employee from representing an existing one; On the contrary, it only stipulates that the representative will have to be a member of the registered Trade Union".
- b. The enquiry officer should not exclude materials which are relevant and he should not take into consideration any materials which are irrelevant. Also, he should not base his findings on conjectures and surmises and suspicion. If he does so his conclusion should be perverse and it cannot be sustained.
- c. The enquiry suffers from the infirmity on non application of mind and stands, vitiated----- the conclusion is not only not a plausible but it is wholly perverse.
- d. The Hon'ble Supreme Court observed that the enquiry officer did not apply his mind to the evidence, but merely recorded his ipse dixit that the charges were proved; he did not permit a peep into his mind as to why the evidence produced by the management appealed to him in preference to the evidence produced by the employee.

- e. The Hon'ble Supreme Court has held that in the appellate order itself there must be indication that the appellate authority applied its mind.
- f. The Hon'ble Supreme Court has held that mechanical reproduction of the phraseology of the rule relating to appeals is not sufficient.
- g. The Hon'ble supreme court have time and again emphasized that orders in the disciplinary proceedings which are quasi judicial in nature, must be speaking orders and must give clear indications that the appellate authority has applied its mind to the grounds urged by the appellant.

12. On behalf of the management, they relied on following case laws:-M.P. Electricity Board Vs Jagdish Chand 2005 SCC (L&S) 417, Mihir Kumar Vs LIC (2017) 2 SCC (L&S) 875, State bank of Bikaner Vs Nemi Chand (2011) 1 SCC (L&S) 584, Divisional Manager Plantation Vs Munnu (2005) SCC (L&S) 200, Deputy Commissioner Vs J. Hussani (2013) 2 SCC (L&S) 833, Union Bank of India Vs Vishaw Mohan (1998) 4 SCC 310, State of Assam Vs Mahendra Kumar AIR 1970 SC Page No.1255, Union of India Vs Parma Nanda AIR 1989 SC Page No.1185 and State Bank Vs. Samarendra Kishore 1994 SCC (L&S) 687, in which following principle are laid down :-

- i) Supreme Court as appellate court cannot sit over finding of Enquiry Officer and find fault in it, nor can appreciate evidence of witness examined in departmental enquiry.
- ii) Held courts will not interfere except where findings are based on no evidence or where they are clearly perverse – Test of perversity i.e. whether authority concerned could have reasonably arrived at such conclusion or finding based on material on records is to be applied – Courts will interfere if principles of natural justice or statutory regulations have been violated or if order is arbitrary, capricious, mala fide or based on extraneous consideration.
- iii) Held, Courts should not be guided by misplaced sympathy or continuity ground as a factor in judicial review while examining quantum of punishment – In all cases dealing with penalty of removal, dismissal or compulsory retirement, hardship would result, which cannot be a ground to interdict with penalty.
- iv) Held, Industrial Courts would not sit in appeal over the decision of the employer unless there exists a statutory provision in this behalf - Moreover, Industrial Courts must act within the four corners of the statute concerned, in terms of the provisions thereof.

I fully agree with principle laid down by Hon'ble High Court & Supreme Court. Now I want to see the factual argument with reference to the evidence produced by the both parties.

13. On behalf of workmen it was argued that in disciplinary proceeding proper procedure did not follow so on behalf of workmen she pray that departmental enquiry to be declared as void, illegal and improper she relied in following case laws: D. Inbavalli Vs State bank of India Writ Appeal No.280 of 2014, it was held that, "Employee in a departmental proceedings, the technical or narrow interpretation cannot be given that such a representative will have to be a member. Clause 12 does not prohibit a retired employee from representing an existing one; On the contrary, it only stipulates that the representative will have to be a member of the registered Trade Union".

14. On the contrary, on behalf of the management, it was argued that, proper opportunity was given to the workmen in the departmental enquiry, but the workman has conveniently avoided to place on record the complete enquiry proceeding and papers with ulterior motive. He also argued that workman may not be allowed to adopt pick and choose policy and place on record only selected papers of his choice. Now I want to see evidence part.

15. Mr. B.S. Fultankar (Workman) in his court statement admitted that, the S.B.W.O. Union is not recognized in S.B.I. He also admitted that he was aware about the service condition applicable to him but he did not know whether Shastri Award, Desai Award and various bipartite settlements are applicable to every bank employee or not. He did not remember whether management issued any warning punishment in the year of 1998. He also admitted that Charge-sheet was issued against him and Bank charged him for wrong posting. He also admitted that he received copy of brief of presenting officer, written note of argument and copy of the enquiry report in enquiry proceeding. He also gave contradictory statement about knowledge of service rules prevailing for bank employee. In this circumstances argument of the workman is not appeared to be genuine that bipartite settlement and provision of the award are not followed by the Disciplinary Authority or Appellate Authority.

16. On behalf of workman, it is also argued that tribunal has only revisional power and also argued that departmental enquiry conducted ex-parte, Charges as whole vague and finding also perverse and full opportunity not given to rebut evidence of management. On the contrary, on behalf of management it was argued that workmen neither pleaded specifically nor furnish any proof of prejudice their relied above case law- Divisional Manager Plantation Vs Munnu (2005) SCC (L&S) 200. Now we see evidence part.

17. Mr. B.S. Fultankar (workman) in his court evidence admitted that, he also admitted in para 17 of his court statement that, he had received information about the date of enquiry and he has signed on every date of proceeding of the departmental enquiry and received copy. It shows that, he participated in enquiry proceeding but he did not avail the opportunity of cross-examination. He also admitted that he filed an appeal, which was admitted and second time the

disciplinary issued show cause notice and he replied them, then final order was passed by Exhibit W-16. On this point, his statement appears to be true now we see the document part.

18. On behalf of the workman, it was argued in his written arguments, Page No 10, A to A portion that, CSE did not have any opportunity to appear as witness, but ongoing Court Statement, it appears that he was given full opportunity to file reply of the show cause notice before framing charge, punishment and at the time of hearing of the Appeal. So, this argument is not sustainable.

19. On behalf of the workman, it was argued that, (Regarding charge No.1- Page 10 B to B, C to C and on Page No. 11 – D to D) Enquiry Officer also mentioned on his report that, prosecution did not submit any document to proof of actual receipt of commission by the workman, so charge No.1 is not proved. This argument was denied by the management. On going the evidence of the workman, it appears that, he admitted in his argument that, prosecution had submitted some bank account's details and some credit slips. He also admitted in his argument that, Enquiry Officer asserted that, workman pointed out some technical defect, but he did not deny the charges of various debit- credit entries in his account, which are not commensurate with known income of the workman. In this way, observation made out by the Enquiry Officer or Appellate Authority not appears to be absurd. So, in my humble opinion, above argument of the workman is not sustainable.

20. On behalf of the workman, it was argued that, (Regarding charge No.4- Page 12 E to E and G to G) – “A workman found guilty of misconduct whether gross or minor shall not be given more than one punishment in respect of any one charge. She also argued that, punishment of warning was already given to the workman, but as per Court statement, workman did not admit that fact. Nor it was proved by reliable evidence. Even he denied the punishment imposed by the bank in 1998. Moreover, Enquiry Officer proved charge No. 1 and 4 and partly charge No. 3 and Disciplinary Authority imposed Lumpsum punishment. So in my view, this argument is not sustainable in the eye of law.

21. On behalf of the workman, it was argued that, (Regarding punishment- Page 13 F to F and H to H) – “Enquiry Officer has himself observed so many lapses of management ----- as puppet in the hand of the management ----- finding of enquiry declared as perverse ----- finding to be quashed and set aside”. This argument was denied by the Party No. 1. As I discussed above, no genuine document was filed regarding previous punishment and punishment was passed after hearing of the workman. As I already observed in order dated 07.05.2018, “Sufficient opportunity was given to the workman and he was really prejudice”. I also observed that, workman did not prove any fact which shows in which way he was prejudice. When he appeared in every date of hearing before the Enquiry Officer and availed all opportunities regarding appeal, then how he can say that, he was prejudice some way or other way.

22. After seeing the charge memo, it reveals that there are four charges against the workman, first order of the punishment passed by the Disciplinary Authority on 23/01/2008 which was set aside by Appellate Authority on 10/03/2010. Fresh show cause notice was issued in compliance of Appellate Authority and Workman filed reply to show cause notice in detailed. After considering this facts, Disciplinary Authority passed an order on 08/04/2010, then he filed appeal which was decided against the workman on 26/05/2010 i.e. appeal of the workman is dismissed on 31/08/2010 in which punishment of Disciplinary Authority was maintained. As the principle laid down in above Case Laws it so that this court neither appellate authority nor Revisional Authority. Power of this court is very limited.

23. On behalf of management, it was argued that the workman has not performed the duties with full honesty, integrity and devotion while dealing with Bank customers. Mihir Kumar Hazara Choudhary Case Law, Hon'ble Supreme Court held that “the departmental proceedings were conducted strictly in accordance with law by following the principle of natural justice in which the appellant duly participated. The appellate neither set up any defence nor denied the factum of charges, yet the respondent proved the charges with the aid of relevant evidence, which found acceptance with the Division Bench and this Court too. As an appellate Court, neither we can sit over the findings of the enquiry officer and find fault in it nor can we re-appreciate the evidence of witnesses examined in departmental enquiry”.

24. Judging the present case in hand with the touch stone of the principles as laid down above, I observed that management followed the basic rules as per prevail in their departmental enquiry and full opportunity was given to the workman in conduction of the departmental enquiry. He also availed opportunity in filing departmental appeal. He presented his case before the Departmental Authority but unfortunate part of the workman was that he was tried to pressurize the management. Nothing in records shows that punishment was awarded by the management too harsh and it is also appeared that punishment awarded to the workmen not to disproportionate as regard their misconduct because Bank employee cannot conduct a personal business either by himself or their spouse with their official duty. So I do not want to interfere in punishment passed by the management (Party No 1). Hence, this order:—

ORDER

The action of the Assistant General Manager (Admn.), State Bank of India, Administrative Office, Nagpur & Disciplinary Authority in imposing the penalty of “Be brought down to lower stage in the scale of pay by 2 stages” on Shri B.S. Fultankar, Special Assistant posted at State Bank of India, Khamgaon Branch vide order dated 08.04.2010 and turned down the appeal by the Appellate Authority & Deputy General Manager (O & C-III), State Bank of India, Zonal Office, Nagpur vide his order dated 31/08/2010, are just, fair & legal. The workman is not entitled to any relief.

S.S. GARG, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2018

का. आ. 1476.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मेसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 04/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.09.2018 को प्राप्त हुआ था।

[सं. एल-22012/151/2011-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2018

S.O. 1476.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 04/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol, as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L. and their workmen, received by the Central Government on 17.09.2018.

[No. L-22012/151/2011- IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 04 OF 2012

PARTIES : The management of Kunustoria Colliery of M/s. E.C.L.

v/s

Shri Ramakant Yadav

REPRESENTATIVES :

For the Management : Shri P. K. Das, Learned Advocate

For the Union (Workman) : Shri Ramakant Yadav, Concerned Workman

INDUSTRY : COAL

STATE : WEST BENGAL

Dated : 07.08.2018

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/151/2011-IR (CM-II) dated 01.03.2012 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the demand of the disputant Union for regularization with all financial benefits in respect of Shri Ramakant Yadav, Fitter in Cat. IV w.e.f. the date on which he was successfully completed training period as well as trade test is fair and justified? To what relief the concerned workman is entitled to?”

1. Having received the Order NO. L-22012/151/2011-IR (CM-II) dated 01.03.2012 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 04 of 2012 was registered on 03.04.2012. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. Case called out. Both of the parties were absent.

3. On perusal of the case record I find that the concerned workman last appeared before the Tribunal on 15.12.2014 and filed his written statement. Thereafter neither the workman nor his representative ever appeared before the Tribunal in spite of giving 11 (Eleven) opportunities. It seems to me that the workman / union is not at all interested to contest this case further. As such the case is closed and accordingly a ‘No Dispute Award’ is hereby passed.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2018

का. आ. 1477.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मेसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 05/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.09.2018 को प्राप्त हुआ था।

[सं. एल-22012/45/2009—आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2018

S.O. 1477.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 05/2010) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol, as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L., and their workmen, received by the Central Government on 17.09.2018.

[No. L-22012/45/2009—IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL**

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 05 OF 2010

PARTIES : The management of Kumardihi 'B' Colliery of M/s. ECL

v/s

Shri Nabin Chattaraj dependent son of Shri Bisheswar Chattaraj, the ex-workman

REPRESENTATIVES :

For the management : Shri P. K. Goswami, Learned Advocate

For the union (Workman) : Shri Sayantan Mukherjee, Learned Advocate

INDUSTRY: COAL STATE : WEST BENGAL

Dated : 28.08.2018

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/45/2009—IR(CM-II) dated 22.01.2010 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management in denying employment to the dependent of ex-workman namely Shri Bisheswar Chattaraj is legal and justified? To what relief the claimant entitled for?"

1. Having received the Order NO. L-22012/45/2009—IR(CM-II) dated 22.01.2010 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 05 of 2010 was registered on 05.02.2010. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. The applicant Shri Nabin Chattaraj has filed written statement. He has alleged that his father Shri Bisheswar Chattaraj was a permanent employee at Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited as a Mechanical Helper being Unique Man No. 616030. The ex-workman, Shri Bisheswar Chattaraj performed his duty

with full satisfaction of the management. Shri Bisheswar Chattaraj, the father of applicant did not return to his residence since 11.02.1999. The applicant and dependent family members began to search Shri Bisheswar Chattaraj to all possible places but could not find the whereabouts of Shri Bisheswar Chattaraj, the ex-workman. The family members and the applicant left no stone unturned in searching Shri Bisheswar Chattaraj. Dependent family members searched all possible places where Shri Bisheswar Chattaraj could be traced. But Shri Bisheswar Chattaraj could not be traced. Ultimately the family members lodged the Missing Diary at Faridpur Police Station vide G.D. No. 322 dated 11.02.1999 in respect of the missing ex-workman Shri Bisheswar Chattaraj and requested the police authority to take necessary steps for finding out the said workman. The ex-workman, Shri Bisheswar Chattaraj has not been heard for 7 (Seven) years from the date of missing i.e. 11.02.1999. After expiry of 7 (Seven) years since 11.02.1999 the dependent family members applied to the management of M/s. Eastern Coalfields Limited to provide employment to one of the dependent of the ex-workman, Shri Bisheswar Chattaraj and for releasing all other terminal benefit in respect of service rendered by the ex-workman, Shri Bisheswar Chattaraj treating him as a dead person. The management kept themselves mum. As per rules one of the dependent family members is entitled to get employment in M/s. Eastern Coalfields Limited. Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited dismissed the ex-workman, Shri Bisheswar Chattaraj vide Letter No. AGENT/KB/PD/02/DISS/6336 dated 17.12.2002 without following the rules of Natural Justice. The dependent family members filed a Title Suit No. 29 of 2006 before the Hon'ble Civil Judge (Junior Division), Second Court at Durgapur for decree of declaration that Shri Bisheswar Chattaraj is dead and for decree of declaration that plaintiff is entitled for service benefit of ex-workman Shri Bisheswar Chattaraj, from the employer. The management of M/s. Eastern Coalfields Limited contested the Title Suit and the Hon'ble Civil Judge decreed the Title Suit 29 of 2006 against the management. In Title Suit No. 29 of 2006 the management has not preferred any appeal, challenging the judgement and decree passed by the Hon'ble Civil Judge (Junior Division), Second Court at Durgapur. The management has released the payment of Gratuity and other terminal benefits in respect of Shri Bisheswar Chattaraj treating him as dead, but so far has not provided employment to one of the dependent of the ex-workman, Shri Bisheswar Chattaraj. The action of the management of M/s. Eastern Coalfields Limited in denying the employment to the dependent family member of Shri Bisheswar Chattaraj is arbitrary, illegal and not in conformity to the rules of the management. One of the dependent family members of the said ex-workman, Shri Bisheswar Chattaraj is entitled for employment in M/s. Eastern Coalfields Limited as per provisions of the management with retrospective effect with full back wages.

3. The Agent of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited has filed written statement. The Agent has alleged in written statement that one Shri Nabin Chattaraj and others brought a Title Suit No. 29 of 2006 praying for a declaration that Shri Bisheswar Chattaraj who was an employee under the management is missing since 11.02.1999 and he is deemed to be dead under the Act. The Hon'ble Civil Judge (Junior Division), Second Court at Durgapur has been pleased to hear and further been pleased to pass an order dated 01.03.2007 declaring that the plaintiffs are entitled to get the service benefit of their father Shri Bisheswar Chattaraj, who is presumed to be dead in the eye of law. The applicant has no right to get an employment. Employment is usually provided to one of the dependent of the deceased as per clause incorporated in National Coal Wage Agreement. Shri Bisheswar Chattaraj was an employee and he cannot be said to be deceased. The court has declared the civil death of Shri Bisheswar Chattaraj in the eye of law. The dispute is not maintainable under Industrial Disputes Act, 1947. The Tribunal is not empowered to execute the order passed by the Hon'ble Civil Court. The management of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited has prayed that the action of the management in not providing employment to the dependent of Shri Bisheswar Chattaraj is fair and justified and the claimant is not entitled to any relief.

4. The applicant, Shri Nabin Chattaraj has filed the following documentary evidences :

(i) Photocopy of the Identity Card of the ex-workman, Shri Bisheswar Chattaraj, (ii) Photocopy of the G.D.E. No. 322 dated 11.02.1999 regarding missing of the ex-workman, (iii) Photocopy of the Certified copy of the Hon'ble Civil Court's Judgement and Decree, (iv) Photocopy of the Letter of dismissal dated 17.12.2002, (v) Photocopy of the Petition dated 29.04.2005, (vi) Photocopy of the Letter of Agent of Kumardihi 'B' Colliery of M/s. Eastern Coalfields Limited, (vii) Photocopy of the Information to the management of M/s. ECL by the applicant dated 20.07.2005, (viii) Photocopy of the Petition dated 03.03.2006, (ix) Photocopy of the Letter to the Office-in-Charge, Faridpur Police Station dated 10.05.2005, (x) Photocopy of the Letter issued by the Agent of Kumardihi 'B' Colliery, (xi) Photocopy of the Appointment Letter of Shri Madan Bagdi on missing ground.

The applicant, Shri Nabin Chattaraj has filed affidavit on his oral evidence. He has been cross-examined by the learned advocate of the management of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited.

The management of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited has not filed oral or documentary evidence.

5. I have heard both the arguments of Shri P. K. Goswami, learned advocate of the management of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited and Shri Sayantan Mukherjee, learned advocate of the applicant, Shri Nabin Chattaraj.

6. Shri P. K. Goswami, learned advocate of the management of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited has argued that on this basis that Shri Bisheswar Chattaraj, father of the applicant is missing, the applicant Shri Nabin Chattaraj is not entitled for employment in M/s. Eastern Coalfields Limited. He has also argued that though court has declared that Shri Bisheswar Chattaraj is deemed to be dead but it is not proved that

Shri Bisheswar Chattaraj is physically dead. Shri Sayantan Mukherjee, learned advocate of the applicant, Shri Nabin Chattaraj has argued that Shri Bisheswar Chattaraj, the ex-workman was missing from 11.02.1999, Missing Diary was lodged to this effect in concerned Police Station. The death of Shri Bisheswar Chattaraj has been declared as civil death by the Hon'ble Civil Judge (Junior Division), Second Court at Durgapur in the Title Suit No. 29 of 2006. As per provision of National Coal Wage Agreement the dependent son is entitled for employment.

7. It is admitted fact that Shri Bisheswar Chattaraj was in employment of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited. The Agent of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited has admitted this fact in Para - 5 of his written statement, besides that the applicant has filed copy of the Identity Card issued by M/s. Eastern Coalfields Limited. This document also confirms that Shri Bisheswar Chattaraj had been in employment of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited. It is not disputed that Shri Nabin Chattaraj is son of Shri Bisheswar Chattaraj.

8. The applicant has filed the copy of judgment in the Title Suit No. 29 of 2006 passed by the Hon'ble Civil Judge (Junior Division), Second Court at Durgapur. In this Title Suit the plaintiff and others have filed Suit for declaration of civil death of his father Shri Bisheswar Chattaraj as well as for other consequential relief. The suit has been filed against M/s. Eastern Coalfields Limited. Defendant, the Agent of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited has contested the Suit and filed written statement in Title Suit No. 29 of 2006. In his written statement the Agent of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited had admitted that Shri Bisheswar Chattaraj was in employment of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited who had been dismissed. Though the allegation of the applicant, Shri Nabin Chattaraj in Para - 7 of his written statement that his father, Shri Bisheswar Chattaraj has been dismissed vide Letter No. AGENT/KB/PD/02/DISS/6336 dated 17.12.2002 without following the rules of Natural Justice. This fact has not been controverted in the written statement filed by the Agent of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited.

9. It is settled law that if any fact is alleged by either party in the written statement and that fact has not been specifically controverted by another party then it will be presumed that fact is correct. The allegation of Shri Nabin Chattaraj in his written statement that Shri Bisheswar Chattaraj has been dismissed by the management of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited without following the rules of natural justice. This fact has not been denied by the Agent of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited in his written statement. Then in law it will be presumed that Shri Bisheswar Chattaraj, the ex-workman has been dismissed without following the rules of natural justice.

10. The Agent of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited has not filed the Dismissal Order as well as copy of Enquiry Proceeding. The Enquiry Proceeding is conducted by the department against the employee. This document will be in possession of the management of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited. The Agent of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited could have submitted the copies of Enquiry Proceeding and Dismissal Order so that the Tribunal could verify the grounds of dismissal, but by withholding this document, the court will draw adverse presumption under Section 114(g) of Indian Evidence Act, 1872, that concerned employee has been dismissed from service by M/s. Eastern Coalfields Limited on the ground of regular absence from duty.

11. Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited has not filed the Dismissal Order. The Hon'ble Civil Court in Page - 5 of the Title Suit No. 29 of 2006 has observed that :

" because the documents themselves contain the factum of such missing since 11.02.1999, and furthermore, the dismissal order dated 17.12.2002 itself removes all such doubt as he was dismissed in the year 2002 for his continuous absence from service. "

12. The observation of court as well as withholding the dismissal order passed by Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited against the ex-workman, Shri Bisheswar Chattaraj indicates that Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited has dismissed Shri Bisheswar Chattaraj on ground of his continuous absent. This circumstance also supports that Shri Bisheswar Chattaraj, the ex-workman is missing from 11.02.1999. As such the court has passed the Order :

" That the suit be and the same is decreed on contest against defendant, but without cost.

The Plaintiffs do get a decree of declaration that they are entitled to get the service benefits of their father Shri Bisweswar Chattaraj, who is presumed to be dead in the eye of law, from the employer of the dismissed employee as per rules of the defendant company. "

13. The Agent of M/s. Eastern Coalfields Limited has contested the Title Suit No. 29 of 2006, Shri Nabin Chattaraj & Others v/s. Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited but he did not lead evidence in that Title Suit in the Hon'ble Civil Court at Durgapur that Shri Bisheswar Chattaraj was still alive. Even the Agent of Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited did not lead any evidence in the reference before the Tribunal that Shri Bisheswar Chattaraj is still alive.

14. Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited has not filed any appeal against the judgment and decree passed by the Hon'ble Civil Judge in the Title Suit No. 29 of 2006, Shri Nabin Chattaraj & Others v/s Kumardihi 'B' Colliery under Bankola Area of M/s. Eastern Coalfields Limited. Therefore the decree and judgment passed by the Hon'ble Civil Judge (Junior Division), Second Court at Durgapur has got finality. It will be binding upon both the parties.

15. In chapter Social Security of N.C.W.A.-V the relevant provisions are described :

“ Clause 9.3.2 of N.C.W.A.-V refers to appointment of dependants of the deceased employees working in the coal mines' sub-clause (iii) of Clause 9.5.0 whereof reads as under:

“ (iii) In case of death either in mine accident or for other reasons or medical unfitness under clause 9.4.0, if no employment has been offered and the male dependent of the concerned worker is 12 years and above in age he will be kept on a live roster and would be provided employment commensurate with his skill and qualifications when he attains the age of 18 years. During the period the male dependant is on live roster, the female dependant will be paid monetary compensation as per rates at Para (i) and (ii). This will be effective from 01.01.2000.”

16. The term 'settlement' has been defined under section 2 (p) of Industrial Dispute Act, 1947 as under :

“‘settlement’ means a settlement arrived at in the course of conciliation proceeding and includes a written agreement between the employer and workman arrived at otherwise than in the course of conciliation proceeding where such agreement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to [an officer authorized in this behalf by] the appropriate Government and the conciliation officer.”

As per section 18 of Industrial Dispute Act, 1947 the settlement arrived at by agreement between the employer and the workman shall be binding on the parties to the agreement.

17. Hon'ble Supreme Court in Sushma Gosain and others V/s Union of India and others, 1989 (59) FLR page 626 has held that:

“We consider that it must be stated unequivocally that in all claims for appointment on compassionate grounds, there should not be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress. It is improper to keep such case pending for years. If there is not suitable post for appointment supernumerary post should be created to accommodate the applicant. ”

18. Shri Nabin Chattaraj has alleged in his affidavit that as per rules and circular of the employer one of the dependent family members of the said ex-workman, Shri Bisheswar Chattaraj is entitled to get employment against the death of Shri Bisheswar Chattaraj because Shri Bisheswar Chattaraj will be presumed to be dead as he is missing for more than 7 (Seven) years. In Page - 2, Para - 8 of his affidavit he alleged that the management has not entertained the claim of plaintiff and other family members due to reason best known to them and kept themselves mum. In Page - 4, Para - 11 of his affidavit Shri Nabin Chattaraj dependent son of Shri Bisheswar Chattaraj has alleged that other family members have already passed their “No Objection” in his favour for getting employment but till date the management has not provided him employment. There is no reason for refusing employment to the dependent family member of Shri Bisheswar Chattaraj. As per provisions of National Coal Wage Agreement he is entitled for employment with retrospective effect with full back wages. In cross-examination Shri Nabin Chattaraj has alleged that he has knowledge that if a workman is missing for more than 7 (Seven) years on that ground dependent get employment on compassionate ground. Some of these employees already got such service.

19. The learned counsel of the applicant has drawn my attention in respect of Appointment Letter dated 18.02.1991 issued by M/s. Eastern Coalfields Limited in favour of Shri Madan Bagdi, filed by the applicant. It reflects that M/s. Eastern Coalfields Limited has provided employment to Shri Madan Bagdi son of Shri Tara Pada Bagdi on ground of missing case as per provision of National Coal Wage Agreement. This supports the argument of Shri Sayantan Mukherjee, learned counsel of the applicant that M/s. Eastern Coalfields Limited had been providing employment as per provision of National Coal Wage Agreement in case of missing workman during the course of employment.

20. The date of birth of Shri Bisheswar Chattaraj is recorded as 25.11.1955 on the Identity Card issued by the M/s. Eastern Coalfields Limited, filed by the applicant. He has been missing since 11.02.1999. His civil death has been declared by the Hon'ble Civil Judge (Junior Division), Second Court at Durgapur in Title Suit No. 29 of 2006 on 13.04.2007. Had he been alive he would have retired in 2015. His civil death has been declared in 2007. It is apparent that at the time of declaration of his civil death he would have been in employment if he would not had been missing. He was less than 60 years old in 2007. Therefore provision of National Coal Wage Agreement is applicable.

21. The applicant has moved for employment by letter dated 29.04.2005 addressed to the Chairman-cum-Managing Director of M/s. Eastern Coalfields Limited. The receipt of this letter has been acknowledged by letter Ref. No. Agent/KB/PD/07/Nabin/1319 dated 20/25.12.2007.

22. In view of above discussion the action of the management of M/s. Eastern Coalfields Limited in denying employment to the dependent son of Shri Bisheswar Chattaraj, ex-workman is illegal and unjustified. Shri Nabin Chattaraj the dependent son of the ex-workman Shri Bisheswar Chattaraj, is entitled for employment.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2018

का. आ. 1478.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मेसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 12/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24.09.2018 को प्राप्त हुआ था।

[सं. एल-22012/78/2014—आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2018

S.O. 1478.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 12/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol, as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L., and their workmen, received by the Central Government on 24.09.2018.

[No. L-22012/78/2014—IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL**

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 12 OF 2014

PARTIES : The management of Mohanpur Colliery of M/s. E.C.L.

V/s

Shri Kanai Sharma and 57 others

REPRESENTATIVES :

For the Management : Shri P. K. Das, Learned Advocate

For the Union (Workmen) : None

Industry : Coal State : West Bengal

Dated : 18.09.2018

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/78/2014—IR (CM-II) dated 25.11.2014 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the claim of the Khadan Thikadar Mazdoor Sabha (CITU) in regularizing Shri Kanai Sharma and 57 other Security Personnel (list attached) to regularize the services in ECL management as master servant relationship exists and the action of the Management in awarding a sham contract to deprive the security personnel from regularization is legal and justified? If not, to what relief the concerned security personnel are entitled to? ”

1. Having received the Order No. L-22012/78/2014—IR (CM-II) dated 25.11.2014 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 12 of 2014 was registered on 16.12.2014. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. Case called out. Shri P. K. Das, learned advocate appeared on behalf of the management of Mohanpur Colliery of M/s. Eastern Coalfields Limited but none appeared on behalf of the union / workmen.
3. On perusal of the case record I find that neither the union nor the workmen ever appeared before the court despite 2 (Two) registered notices issued on 06.01.2015 and 26.08.2015. So far 11(Eleven) adjournments were granted but to no effect. It seems that union has now no interest left to proceed with the case further. As such the case is closed and accordingly a 'No Dispute Award' is hereby passed.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2018

का. आ. 1479.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मेसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 16/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.09.2018 को प्राप्त हुआ था।

[सं. एल-22012/38/2012-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2018

S.O. 1479.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 16/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol, as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L. and their workmen, received by the Central Government on 17.09.2018.

[No. L-22012/38/2012- IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE No. 16 OF 2012

PARTIES : The management of 1 & 2 Incline of Jhanjra Project of M/s. E.C.L.

V/s

Shri Jitendra Nath Paul

REPRESENTATIVES :

For the Management : Shri P. K. Das, Learned Advocate

For the Union (Workman) : Shri S. K. Pandey, Learned Union Representative

Industry : Coal State : West Bengal

Dated : 08.08.2018

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/38/2012-IR (CM-II) dated 18.04.2012 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of 1 & 2 Incline of Jhanjra Project of M/s. Eastern Coalfields Limited in denying of appointment in respect of Sri Jitendra Nath Paul, Foreman-In Charge, U.M.No. 691658 as 25.06.1974 instead of 25.06.1979 is legal and justified? To what relief the concerned workman is entitled? ”

1. Having received the Order No. L-22012/38/2012-IR (CM-II) dated 18.04.2012 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 16 of 2012 was registered on 08.05.2012. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. Case called out. Both of the parties were absent.

3. On perusal of the case record I find that Shri S. K. Pandey, learned union representative appeared several times before the Tribunal but has not filed written statement till date. Till date 35 (Thirty Five) adjournments were granted and 3 (Three) registered notices on 22.05.2012, 08.08.2014 and 11.08.2015 were issued to the parties but to no effect. It seems to me that the neither the workman nor the union is at all interested to contest the case further. As such the case is closed and accordingly a 'No Dispute Award' is hereby passed.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2018

का. आ. 1480.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मेसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 20/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.09.2018 को प्राप्त हुआ था।

[सं. एल-22012/26/2012-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2018

S.O. 1480.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol, as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L., and their workmen, received by the Central Government on 17.09.2018.

[No. L-22012/26/2012- IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 20 OF 2012

PARTIES : The management of J. K. Nagar Colliery of M/s. E.C.L.

V/s

Shri Amar Kumar Routh

REPRESENTATIVES :

For the Management : None

For the Union (Workman) : Shri D. K. Routh, Learned Union Representative

Industry : Coal State : West Bengal

Dated : 10.08.2018

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/26/2012-IR (CM-II) dated 19.04.2012 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of J. K. Nagar Colliery of M/s. ECL in not payment HRA @ 10% of Basic Pay to Sri Amar Kumar Routh is fair and justified? To what relief the concerned workman is entitled to?”

1. Having received the Order No. L-22012/26/2012-IR (CM-II) dated 19.04.2012 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 20 of 2012 was registered on 08.05.2012. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. On perusal of the case record I find that my predecessor (Late. J. K. Sen, the then Presiding Officer) had reserved No Dispute Award in this case because Shri D. K. Routh, learned Branch Secretary of the union had endorsed on the Order Sheet that the case may be closed as the workman is now no more interested to proceed with the case further. Since the workman was not interested to proceed with the case I think it is not reasonable to keep this record pending. As such the case is closed and accordingly a ‘No Dispute Award’ is hereby passed.

ORDER

Let an “Award” be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2018

का. आ. 1481.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मेसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 22/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.09.2018 को प्राप्त हुआ था।

[सं. एल-22012/40/2012-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2018

S.O. 1481.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 22/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol, as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L., and their workmen, received by the Central Government on 17.09.2018.

[No. L-22012/40/2012- IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 22 OF 2012

PARTIES : The management of Madhaipur Colliery of M/s. E.C.L.

V/s

Kumari Sunita

REPRESENTATIVES :

For the Management : None

For the Union (Workman) : Shri Rakesh Kumar, Learned Union Representative
 Industry : Coal State : West Bengal
 Dated : 13.08.2018

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/40/2012-IR (CM-II) dated 25.04.2012 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Madhaipur Colliery, Pandeveshwar Area of M/s. Eastern Coalfields Limited, in denying employment to Kumari Sunita dependent daughter of Late Chamari Lohar, Ex-Blacksmith U.M. 776572 of Madhaipur Colliery is legal and justified? To what relief the claimant is entitled to?”

1. Having received the Order No. L-22012/40/2012-IR (CM-II) dated 25.04.2012 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 22 of 2012 was registered on 16.05.2012. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.
2. Case called out. Shri Rakesh Kumar, learned union representative appeared on behalf of the claimant, Kumari Sunita daughter of Late Chamari Lohar, Ex-Blacksmith. None appeared on behalf of the management of Madhaipur Colliery, Pandeveshwar Area of M/s. Eastern Coalfields Limited.
3. On perusal of the case record I find that since inception of the reference 14 (Fourteen) dates were granted to the claimant / union for filing written statement. On 24.02.2015 last chance was given to the claimant / union for filing written statement but to no effect. It seems that the claimant / dependent has no interest to contest the case. This fact is also endorsed by Shri Rakesh Kumar, learned representative of the claimant / dependent on the order sheet. Since the claimant was not interested to proceed with the case I think it is not reasonable to keep this record pending. As such the case is closed and accordingly a ‘No Dispute Award’ is hereby passed.

ORDER

Let an “Award” be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2018

का. आ. 1482.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मेसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 23/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.09.2018 को प्राप्त हुआ था।

[सं. एल-22012/148/2013-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2018

S.O. 1482.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 23/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol, as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L., and their workmen, received by the Central Government on 17.09.2018.

[No. L-22012/148/2013- IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL****PRESENT :** Shri Pramod Kumar Mishra, Presiding Officer**REFERENCE No. 23 OF 2013****PARTIES :** The management of Bhanora West Colliery of M/s. E.C.L.

V/s

Shri Tulu Majhi

REPRESENTATIVES :

For the Management : Shri P. K. Das, Learned Advocate

For the Union (Workman) : Shri Rakesh Kumar, Learned Union Representative

INDUSTRY : COAL STATE : WEST BENGAL

Dated : 30.08.2018

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/148/2013–IR (CM-II) dated 12.11.2013 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Bhanora West Colliery, M/s. E. C. Limited not to re-instate in service Shri Tulu Majhi violating the Memorandum of Settlement of dated 22.05.2007 is proper, fair and justified. If not, so what relief management can provide to him?”

1. Having received the Order No. L-22012/148/2013–IR (CM-II) dated 12.11.2013 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 23 of 2013 was registered on 14.02.2014. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. Case called out Shri P. K. Das, learned advocate was present on behalf of the management. Shri Rakesh Kumar, learned union representative was present on behalf of the workman.

3. Shri Rakesh Kumar submits that the case may kindly be closed as another case of Shri Tulu Majhi, the concerned workman is pending before the Tribunal. Since Shri Rakesh Kumar, learned representative of the workman pressing for closing this reference. I have no option left but to close the case. Hence, the reference is closed and accordingly a ‘No Dispute Award’ is hereby passed.

ORDER

Let an “Award” be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2018

का. आ. 1483.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मेसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 40/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.09.2018 को प्राप्त हुआ था।

[सं. एल-22012/144/2012-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2018

S.O. 1483.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Asansol, as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L, and their workmen, received by the Central Government on 17.09.2018.

[No. L-22012/144/2012– IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL****PRESENT :** Shri Pramod Kumar Mishra, Presiding Officer**REFERENCE NO. 40 OF 2012****PARTIES :** The management of Jambad Colliery of M/s. E.C.L.

V/s

Shri Keshwar Bhuia

REPRESENTATIVES :

For the Management : Shri P. K. Das, Learned Advocate

For the Union (Workman) : Shri S. K. Pandey, Learned Union Representative

INDUSTRY : COAL STATE : WEST BENGAL

Dated : 29.08.2018

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/144/2012-IR (CM-II) dated 25.10.2012 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Jambad Colliery, Kajora Area of M/s. Eastern Coalfields Limited in dismissing Shri Keshwar Bhuia, U. G. Loader, from service w.e.f. 03.01.2000 is legal and justified? To what relief the workman is entitled to?”

1. Having received the Order No. L-22012/144/2012-IR (CM-II) dated 25.10.2012 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 40 of 2012 was registered on 19.11.2012. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. On perusal of the case record I find that case record was tagged with Reference No. 27 of 2001 as ‘The Schedule’ of both the reference cases are almost same, even the sufferer workman is the same person. Shri S. K. Pandey, learned union representative on behalf of the workman submits that the case may be closed as the same dispute has already been decided by this Tribunal in Reference No. 27 of 2001. He has also endorsed this on the order sheet.

3. Since Shri S. K. Pandey, learned representative of the workman submits that this dispute has already been decided by the Tribunal earlier this reference case is closed and accordingly a ‘No Dispute Award’ is hereby passed.

ORDER

Let an “Award” be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2018

का. आ. 1484.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मेसर्स एफ.सी.आई. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नं. 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 52/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.09.2018 को प्राप्त हुआ था।

[सं. एल-22011/22/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 5th October, 2018

S.O. 1484.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 52/2017) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Chandigarh, as shown in the Annexure, in the industrial dispute between the management of M/s. F.C.I., and their workmen, received by the Central Government on 17.09.2018.

[No. L-22011/22/2017– IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

**IN THE COURT OF SH. AVTAR CHAND DOGRA, PRESIDING OFFICER-CUM-LINK OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, GOVERNMENT
PRESS EXTENSION BUILDING, SECTOR 18-A, CHANDIGARH-160018.**

ID No.52/2017

Dr. Lakshman Singh, General Secretary, Food Corporation of India,
Handling Workers Union 8651, Arakashan Road, Pahargunj, New Delhi-110055.

...Workmen-Union

Versus

1. General Manager, Food Corporation of India, Regional Office,
Sector 31-A, Bay No.34-38, Chandigarh-160017.

2. Area Manager, Food Corporation of India, Distt. Office Jalandhar(Punjab).

...Respondents

AWARD

1. In the present case, a reference was received from the appropriate Government vide Letter No. L-22011/22/2017-IR(CM-II) dated 26.02.2018 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), for adjudication of a dispute, terms of which are as under:

“WHETHER THE FCI MANAGEMENT ACTION OF WITHDRAWING THE DEPARTMENTAL, DPS AND NO WORK AND NO PAY LABOUR FROM PUNJAB STATE WAREHOUSING CORPORATION DEPOTS OF NAKODAR, NOORMAHAL, AMLOH, DASAYU, MUKERIAN, JALANDHAR, KARTARPUR, PHILLOUR, SHAKOT AND JAGRAON IN PUNJAB REGION IS LEGAL, FAIR AND JUSTIFIED? IF NOT, WHAT RELIEF THE UNION AND WORKMAN ARE ENTITLED TO AND FROM WHICH DATE?”

2. In the reference order, the appropriate Government commanded the party/ies raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant opted not to file his claim statement with the Tribunal.
3. On the receipt of the above reference, notice was sent to the workmen-union as well as to the managements. The registered notice was sent on the address mentioned in the letter of reference. There is no other address of workmen-union available to this Court. Moreover, there is a presumption that a registered letter sent to the addressee i.e. workmen-union herein has been received by such addressee and rebuttal presumption of service of notice arises in such a case. Despite service of the notice, workmen-union opted to abstain away from the proceedings. No claim statement has been filed on his behalf. Thus, it is clear that the workmen-union is not interested in adjudication of the reference on merits.
4. Since the claimant has neither put in his appearance nor has he led any evidence so as to prove his cause against the managements, as such, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim Award’. Since there is no adjudication of reference or case on merits as such, it would not preclude the workmen-union from seeking fresh reference or filing fresh case in accordance with Law.
5. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

A. C. DOGRA, Presiding Officer –Cum-Link-Officer

Place: Chandigarh

Dated: 04.09.2018

नई दिल्ली, 9 अक्टूबर, 2018

का. आ. 1485.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, कोलकत्ता पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकत्ता के पंचाट (संदर्भ संख्या 02/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2018 को प्राप्त हुआ था।

[सं. एल-32011/11/2004-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 9th October, 2018

S.O. 1485.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 02/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Kolkata, as shown in the Annexure, in the industrial dispute between the management of Kolkata Port Trust, and their workmen, received by the Central Government on 09.10.2018.

[No. L-32011/11/2004-IR(B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 02 of 2005

Parties: Employers in relation to the management of Kolkata Port Trust

AND

Their workmen

Present : Justice Ravindra Nath Mishra, Presiding Officer

Appearance:

On behalf of the Management : Mr. M.K. Das, Industrial Relations Officer.

On behalf of the Workmen : Mr. Sikandar Bus, General Secretary of the Union.

State: West Bengal.

Industry: Port & Dock

Dated: 28th September, 2018

AWARD

On factual score it appears that the concerned workman, Shri Swapan Kumar Ghosh was working as a Driver at Mechanical Engineering Department of Kolkata Port Trust where he was charged for illegal consumption of electricity by way unauthorized tapping of electricity from main source. A chargesheet was served on him and after conclusion of departmental enquiry the disciplinary authority passed the order of punishment against him of reducing his pay by five stages for five years with cumulative effect. However, it was modified by appellate authority to reduction of pay by three states for three years with cumulative effect. Against this order of punishment the union espoused the cause of the concerned workman and ultimately the Government of India vide order No. L-32011/11/2004-IR(B-II) dated 08.12.2004 referred following dispute to this Tribunal for adjudication:

“Whether the action of the management of Kolkata Port Trust in awarding punishment of reducing pay by three stages for a period of three years with cumulative effect and not allowing to draw increment for the above period in respect of Shri Swapan Kumar Ghosh on the basis of such inspection and enquiry reports is legal and justified? If not, what relief the concerned workman is entitled to?”

2. It was again depicted by the union that no specific date of inspection was mentioned either in inspection report or enquiry report. The inspection team did not go inside the quarters to ascertain use of so called additional wire. They also did not call anyone from the concerned quarters or any neighbours to witness inspection. It is also pleaded that the enquiry proceeding and punishment order are vindictive.

3. In reply, the management filed its written statement stating that in August, 2000 an official inspection of quarters in different mazdoor lines were conducted by team of officers of Kolkata Port Trust to detect unauthorized tapping of electricity and during inspection the concerned workman was found using unauthorized electricity by way of

tapping from main source. Due to this misconduct, an enquiry was held in which the workman concerned was found guilty. The report of the Enquiry Officer was based on oral and documentary evidence adduced during enquiry.

4. As the validity of enquiry was challenged by the union, this Tribunal tried this question as preliminary issue in which the workman concerned was examined as WW-01 and on behalf of the management MW-01, Shri Dilip Kurn Roy was examined. After appreciation of evidence adduced by the parties and arguments advanced by them, this Tribunal came to the conclusion that the workman concerned participated in the enquiry by way of examining himself and also defended himself by cross-examining the witness of the management. He was offered full opportunity to defend himself during enquiry. Therefore, the enquiry was found to be legal and proper.

5. Authorised representative of the management has contended that after the enquiry was held to be valid and proper, nothing is left except the appreciation of punishment, if the punishment imposed is shockingly disproportionate to the misconduct. Relying on U.P. State Road Transport Corporation v. Mohanlal Gupta and others, 2001 LAB.I.C. 2122 he has submitted that the Tribunal cannot substitute finding and conclusion of employer with that of its own.

6. Above case law cited by the authorized representative of the management has no application to the present case as the same relates to termination of workman concerned and also based on provisions of Section 11A of the Industrial Disputes Act, 1947. A bare perusal of Section 11A of the Act goes to show that it applies only⁷ in case of dismissal or discharge of workman and not in any other case. Now in order to find out the scope of interference by Tribunal after the enquiry is held to be valid, we have to travel back to the period when Section 11A of the Act was not on the statute, as Section 11A has been especially incorporated by way of amendment to meet the need of workman who has been dismissed or discharged by the employer.

7. The extent of jurisdiction of Industrial Tribunal to interfere with domestic enquiry was initially very limited. The domestic enquiry was the prerogative of the management, but gradually the concept started developing and Hon'ble the Apex Court in Indian Iron & Steel Co. Ltd. v. workmen, 1958-I-LLJ 260 laid down that the power of the management in respect of its internal administration and discipline is not unlimited; it may be interfered with in course of industrial adjudication in order to justify the action and to grant appropriate relief. However, the jurisdiction of the Industrial Tribunal was held not that of an appellate court. Hon'ble the Apex Court in above mentioned case of Indian Iron & Steel Co. Ltd. (supra) has held as follows:

“Undoubtedly, the management of a concern has power to direct its own internal administration and discipline; but the power is not unlimited and when a dispute arises, Industrial Tribunals have been given power to see whether the termination of service of workman is justified to give appropriate relief. In cases of dismissal on misconduct, Tribunal does not, however, act as an court of appeal and substitute its own judgment for that of the management. It will interfere (i) when there is want of good faith; (ii) when there is victimization or unfair labour practice; (iii) when the management has been guilty of a basic error or violation of a principle of natural justice and (iv) when on the materials the finding is completely baseless or perverse.”

8. Hon'ble the Apex Court in above mentioned case was of the view that the possibility of arrest of workman at the instance of company for the purpose of victimization in order to get rid of him on the ostensible pretext of continued absence, cannot be ruled out and in that case the position would be different. Such exercise by employer was held to be colourable and *mala fide* exercise of power. Therefore, the Industrial Tribunal has been given power to interfere when there is want of good faith or victimization/unfair labour practice. In this background Section 11A was introduced in the statute and the Industrial Tribunal was given power to reappraise the evidence and to pass appropriate orders. However, this power of the Tribunal is limited in case of only discharge or dismissal.

9. The above position of law has been further reiterated by Hon'ble the Apex Court in General Secretary, South Indian Cashew Factories Workers Union v. Managing Director, Kerala State Cashew Development Corporation Ltd. & Others, AIR 2006 SC 2208 where Hon'ble the Apex Court had the occasion to distinguish the legal position which existed before and after introduction of Section 11A in the Industrial Disputes Act, 1947. The relevant portion of the judgment of Hon'ble the Apex Court may be quoted below:

“16. The Labour Court had earlier held that the enquiry was properly held and there was no violation of the principles of natural justice and that the findings were not perverse. The vitiating facts found by the Labour Court against the enquiry are erroneous and are liable to be set aside. If enquiry is fair and proper, in the absence of any allegations of victimization or unfair labour practice, the Labour Court has no power to interfere with the punishment imposed. Section 11A of the Act gives ample power to the Labour Court to re-appraise the evidence adduced in the enquiry and also sit in appeal over the decision of the employer in imposing punishment. Section 11A of the Industrial Disputes Act is only applicable in the case of dismissal or discharge of a workman as clearly mentioned in the Section itself. Before the introduction of Section 11A in India Iron and Steel Co. Ltd. v. Their workmen, (1958) SCR 667 this Court held that the Tribunal does not act as a Court of appeal and substitute its own judgment for that of the management and that the Tribunal will interfere only when there is want of good faith, victimization, unfair labour practice, etc., on the part of the management. There is no allegation of unfair labour practice, victimization etc., in this case. The power of the Labour Court in the absence of Section 11A is illustrated by this Court in Workmen of Firestone Tyre and Rubber Co. of India (Pvt) Ltd. v. The Management, (1973) 1 SCC 813. When enquiry was conducted fairly and

properly, in the absence of any of the allegations of victimization or mala fides or unfair labour practice, Labour Court has no power to interfere with the punishment imposed by the management. Since Section 11A is not applicable, Labour Court has no power to re-appraise the evidence to find out whether the findings of the enquiry officer are correct or not or whether the punishment imposed is adequate or not. Of course, Labour Court can interfere with the findings if the findings are perverse. But, here there is a clear finding, that findings are not perverse and principles of natural justice were complied with while conducting enquiry."

(Emphasis supplied by me)

10. Admittedly, this case is not a case of dismissal or discharge of the workman concerned. The punishment given to the workman is only reduction of pay by three stages for three years. Therefore, Section 11A does not apply in the instant case. In view of above, the case is only to be examined on the anvil of *victimization and unfair labour practice*, if any by the employer. But, unfortunately, there is not a whisper of allegation of victimization and unfair labour practice or *mala fide* action by the workman concerned in the statement of claim. There is nothing in his statement also that the punishment is result of *mala fide*, victimization or unfair labour practice of employer.

11. From the perusal of record it appears that findings recorded by the Enquiry Officer are supported with reasons. The management has adduced evidence during enquiry that during inspection by officers of the management the workman concerned was found using unauthorized electricity by way of bypassing meter. It is not disputed by the workman concerned that the house was not occupied by him or his family. Thus the findings of the Enquiry Officer were based on legal evidence and it cannot be said that a reasonable person could have arrived to a conclusion different from what has been drawn by the Enquiry Officer. Thus the findings of the Enquiry Officer cannot be said to be perverse.

12. In view of above, where exercise of power under Section 11A of the Industrial Disputes Act, 1947 is not permissible under the law, where there is no allegation of victimization, unfair labour practice or *mala fide* action by the employer, the punishment awarded on the misconduct of the workman concerned cannot be set aside by the Tribunal. Therefore, action of the management of Kolkata Port Trust in awarding punishment of reducing pay by three stages for a period of three years with cumulative effect and not allowing draw increment for the above period in respect of the concerned workman, Shri Swapan Kumar Ghosh is legal and justified. The concerned workman is not entitled to any relief.

Award is passed accordingly.

Justice RAVINDRA NATH MISHRA, Presiding Officer

Dated, Kolkata,
The 28th September, 2018.

नई दिल्ली, 9 अक्टूबर, 2018

का. आ. 1486.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, ओरियण्टल बैंक आफ कामर्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 91/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.10.2018 को प्राप्त हुआ था।

[सं. एल-39025/01/2017-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 9th October, 2018

S.O. 1486.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 91/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, New Delhi, as shown in the Annexure, in the industrial dispute between the management of Oriental Bank of Commerce, and their workmen, received by the Central Government on 09.10.2018.

[No. L-39025/01/2017- IR(B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

**BEFORE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL-TRIBUNAL-CUM LABOUR
COURT No.1: ROOM No. 511, DWARKA COURT COMPLEX, NEW DELHI – 110 075**

ID No.91/2014

Shri S Shiv Kumar

S/o. Shri K. Srinivasan,

R/o. BA-13/F, DDA Flats,

Munirka, New Delhi 110067.

...Workman

Versus

1. Oriental Bank of Commerce

Through its Chairman & Managing Director,
Harsha Bhawan, E Block, Connaught Place,
New Delhi 110091.

2. Oriental Bank of Commerce

Through its General Manager (Personnel),
Harsha Bhawan, E Block, Connaught Place,
New Delhi 110091.

...Management

AWARD

Relevant facts necessary for disposal of the present case are that the workman joined the services of the Management Bank as a clerk in the year 1982. The conduct of the workman was stated to be excellent and his working was to the satisfaction of his superiors. There was no complaint against him. It has been alleged that some officials of the Management Bank who were in possession of the record including the electronic data manipulated things with the result that disciplinary proceedings were conducted against him. He received a charge-sheet in Hindi on 8/2/97. Domestic enquiry was initiated against him and pursuant to the enquiry report, the Management issued him show cause notice for imposing penalty of punishment and thereafter issued an order dated 30/3/2000, thereby dismissing the workman from service. The workman moved the Appellate authority which confirmed the order of dismissal on 26/4/2000. Thereafter, Shri S. Shiv Kumar claimant herein had filed writ petition bearing CWP NO.6357 of 2000 before the Hon'ble High Court of Delhi challenging the order of dismissal passed by the Disciplinary Authority on 30.3.2000 and also order dated 06.04.2000 of the Appellate Authority and praying that the aforesaid order dated 30.3.2000 and 6.4.2000 be quashed. He also prayed for reinstatement in service with full consequential benefits. The management had filed detailed reply to the above writ petition, stating that the claimant had committed a fraud, causing loss of more than Rs.24 lakhs to the bank, for which detailed investigation was conducted, charge-sheet was issued and the fraud committed by the workman/claimant was established on investigation by the CBI authorities also. Inquiry proceedings were just and fair and that dismissal order dated 30/3/2000 was rightly passed against the workman/claimant. After considering pleadings of the parties, Hon'ble High Court vide its order dated 11.07.2016 observed that the claimant herein has got proper efficacious remedy before the Industrial Tribunal in terms of the provisions of Industrial Disputes Act, 1947 and hence the matter referred to this Tribunal vide order dated 11/7/2016.

2. Pursuant to the aforesaid order passed by the Hon'ble High Court, the case was taken up by this Tribunal and with the consent of both the parties, it was considered appropriate by this Tribunal there is no need to file separate statement of claim and the writ petition filed by the claimant would be treated as the statement of claim. Accordingly, counter affidavit filed in the above writ petition by the management before the Hon'ble High Court was agreed to be treated as written statement so that matter could be decided expeditiously.

3. Against this background, this Tribunal on the basis of the pleadings of the parties vide order dated 16.01.2017 framed the following issues:

- (i) Whether the domestic enquiry conducted against the claimant is fair and is in accordance with principles of natural justice?

(ii) Whether punishment awarded does not commensurate to the gravity of misconduct?

(iii) Relief

4. Issue No.1 was treated as preliminary issue. Thereafter, opportunity was afforded to both the parties to adduce evidence on this issue. After recording of evidence of both the parties and having arguments advanced by Shri Rajat Arora, A/R for the management and Shri U.K. Sharma, A/R for the claimant, this Tribunal vide order dated 06.06.2017 had held that the enquiry conducted by the management against the claimant herein is in violation of principles of natural justice and the same has been conducted in an unfair manner. An application was moved at that time by the management for granting opportunity to the management to adduce evidence on merits. The said application was also allowed as the charges leveled against the claimant herein were grave and serious in nature.

5. Since this Tribunal had already held that the domestic enquiry conducted by the management is against the principles of natural justice, as such, any evidence recorded by the management during the course of domestic enquiry cannot be taken into consideration so as to prove the charges against the claimant herein. Management was, thus, required to adduce fresh evidence so as to prove the charges against the claimant. This procedure was adopted in view of the decision of Hon'ble Supreme Court in the case of **Kurukshetra University Vs. Prithvi Singh, 2018 Lab.L.C. 1437.**

6. It is revealed from the records that the charge sheet dated 08.02.1997 in Hindi was served upon the claimant. On the request of the claimant/workman he was also provided with English translation of Charge-sheet on 12/3/1997 but the workman has contended that it was the modified charge-sheet. During the course of hearing it was also urged on behalf of the claimant that the charge sheet filed against the claimant, both in Hindi and English, was not accompanied by Article of Charges, list relied upon by the management as well as list of witnesses. To my mind, there is no merit in this contention as the enquiry conducted in the above charge sheet has been vitiated and the same has been held to be contrary to the principles of natural justice. Hindi version of the charge sheet is required to be in consonance with the English version and there should not be any variation in both the versions, so as to avoid any kind of prejudice to the claimant. English version of the charge sheet contains following charges against the workman/claimant herein :—

Period	Actual amount charged in different Cash Credit Accounts	Amount deposited in interest received accounts	Difference amount misappropriated
December 1995	Rs.44,37,961.80	Rs.43,28,461.80	Rs.1,09,500.00
March 1996	Rs.48,96,449.00	Rs.45,34,619.00	Rs.3,61,830.00
June 1996	Rs.62,20,930.10	Rs.55,52,830.10	Rs.6,68,100.00
September 1996	Rs.56,26,925.00	Rs.49,08,425.00	Rs.7,18,500.00
Total	Rs.211,82,265.90	Rs.193,24,335.90	Rs.18,57,930.00

7. Management in order to prove the charges against the claimant had filed affidavits of two witnesses, i.e. Shri Prakash and Shri Kamal Manchanda. However, Shri Kamal Manchanda was examined first and Shri Prakash Advani was dropped as such his affidavit cannot be taken into consideration for any purpose. Shri Kamal Manchanda filed his affidavit Ex.MW2/A and relied on the documents Ex. MW2/1 to Ex.MW2/26. On the other hand, Shri S. Shiv Kumar, the claimant, in order to rebut the case of the management, examined himself as WW1 and filed affidavit Ex.WW1/A and relied on documents Ex.WW1/1 to Ex.WW1/26. I would be referring to the statement of the claimant as well as other witness in the subsequent paras while drawing my conclusions.

8. It is clear from the written submissions filed on behalf of both the parties as well as evidence on record that the basic charge against the claimant is that the claimant was an ALEPM Operator and he had in fact charged more interest from the various accounts and excess proceeds of the same were deposited in one particular account of M/s Micro Serve (Current Account No.3815). In fact this is a finance company whose proprietor was one Shri Anand Chaudhary and the said company was being operated by Shri Anand Chaudhary as well as his brother Shri Kalyan Chaudhary. Management has also tried to place reliance on the account statement of the said company viz. Ex.MW2/24 and there is mention of the same in para 12 of the affidavit of Shri Kamal Kishore Manchanda. However, the said exhibit is not on the court file.

9. During the course of arguments, it was not disputed on behalf of either of the parties that onus to prove the charges against the claimant is always upon the Management, particularly when the domestic enquiry has been set aside and opportunity has been granted to the management to adduce evidence on merits qua the charges mentioned in the charge sheet dated 08.02.1997.

10. MW2 Shri Kamal Kishore Manchanda in his testimony has deposed that the workman S.Sivakumar while working as AELPM Operator at the Nehru Place Branch was entrusted with the work relating to Machine No.3 relating to CC Accounts of various parties, including the interest application part and generation of reports quarterly for interest charged from them and to credit the same to Interest Received Account. After the approval of the Incharge on the

vouchers, he was supposed to charge the same amount from the parties. Though the workman/claimant credited the actual total interest received amount on the basis of report generated and vouchers prepared but debited the Parties account with inflated amount and credited the difference amount to the Account of M/s Micro Serve and subsequently withdrew the same with connivance of the account holders. He filed on record various credit transfer vouchers as well as debit transfer vouchers for different dates/quarters as Ex.MW2/2 to Ex.MW2/22. It is worthwhile to mention here that in all these credit and/or debit vouchers as relied upon by the management, there is no certification of the same as required under the Bankers Book of Instructions. Even original of the same were not produced before this Tribunal.

11. The entire case, in fact, hinges upon the testimony of Shri Kamal Kishore Manchanda, who has filed a detailed affidavit Ex.MW2/A and he has been subject to lengthy cross examination. He has tried to explain the various terms used in banking transactions, viz. Audit Trail Report, Cash Credit Account, interest calculation etc. This witness has clearly deposed that Audit Trail Report is generated on the same day and it contains the days transactions. In response to a question, MW2 has clearly explained that interest calculation sheet shows the interest to be charged and contains relevant details of the account. He has, further stated that claimant had asked for the interest calculation sheets in his application dated 13.11.2017. However, these documents, though important, were never supplied. It is not out of place to mention here that an application was filed by the claimant for production of various documents, details of which are mentioned in the application vis-à-vis Interest vouchers, Interest calculations sheet, Long Book maintained by the Bank, Debit transfer scrolls, Audit Trail Report etc.etc.. But the management has not filed most of these documents as sought by the claimant and this Court vide order dated 07.12.2017 held that the question of drawing adverse inference, if any, would be seen at the time of final arguments as at that stage this Tribunal would be in a better position to appreciate the entire evidence on record. No explanation whatsoever has been given by the Management as to why these documents were not placed on record. MW 2 Kamal Kumar Manchanda has explained in his cross examination that Audit Trail Report is a statement which gives details of the transactions being carried out and it gives details of account number, amount and nature of transaction. In fact, interest calculation sheet contains the product, number of days, interest to be charged, overdue interest, penal interest and total number of days, total amount of interest charged alongwith names of the parties. There is also mention of the date when this interest calculation sheet is generated. At this stage, it is necessary to point out that Shri Kamal Kishore Manchanda MW2, in his cross examination, has admitted that charge sheet dated 08.02.1997 (Hindi) and charge-sheet dated 30.03.1997(English) were served upon the claimant by the Disciplinary Authority, whereas the date of generation of the document is 19.05.1997. Logically speaking, all these documents are required to be in existence and produced when an official is being charge-sheeted for a gross misconduct involving financial transactions.

12. It is further evident from the affidavit of Ex.MW2 Shri Kamal Kishore Manchanda that he has in fact introduced modified charge sheet by reducing the period of siphoned amount to specified dates, i.e. 18.12.1995 and 30.12.1995 amounting to Rs.1,09,500.00, 14.03.1996 and 29.03.1996 amounting to Rs.3,61,830. It is notable that the documents are photocopies & unattested and hence cannot be read in evidence.

13. There is another aspect of the matter. MW2 Shri Kamal Kishore Manchanda had never worked in the Nehru Place Branch of the Management Bank wherein the transactions were allegedly manipulated/fabricated by the workman who is claimed to be working as ALEPM Operator. Though there is no evidence on record that the claimant was working as ALEPM Operator but the workman has clarified that he was simply working as reliever. Even assuming that the workman had made all the relevant entries, even then it was the duty of the Supervisor and other higher official like Manager to verify the same. This fact has amply been clarified by Shri Kamal Kishore Manchanda, MW2 who has admitted that in the branch, there is an operator and behind the operator is the Supervisor who verifies the transactions entered by the operator in the system. The Loans Incharge is responsible for the sanction of limit, drawing power and interest. He admitted that rate of interest within the drawing limit is different from the rate of interest when the limit is exceeded and it is penal interest. The interest rates are as per the loan policy of the bank applicable to the stocks. He admitted that loans policy document has not been placed on record.

14. The Management has not examined any higher official viz. Supervisor and/or Manager who were working during the relevant period 1995 to 1996 at the said Branch, to prove the alleged manipulations/tampering by the workman/claimant, as MW 2 in his cross examination has admitted that it is the Supervisor who verifies the transactions entered by the operator in the system.

15. It is also clear from the record that no ledger sheet has been filed by the management as the interest is reflected/mentioned in the ledger accounts of the account holder. There is also no mention of the account number of the account holder in the charge sheet.

16. MW 2 admitted in his cross examination that there are three types of interest – one is normal interest which is upto drawing power, second, above drawing power 2 per cent penal interest is charged and above the sanctioned limit, maximum charged is that of clean interest rate, details of which are given in the circulars. This witness admitted that he had not seen the individual vouchers in respect of interest credited to interest received account and there is a debit scroll which is on record for charging interest in individual borrower's account. It is manifest from the cross examination that in his affidavit, this witness had not referred to interest calculation sheet but referred to supplementary sheet showing the interest computation. He also admitted that he himself had not seen the individual party's account in which the interest was debited and has referred to debit scrolls. He also did not file nor did see 48 vouchers in which interest was charged

from different parties as total sum of which was given in the consolidated voucher. To a specific query as to whether money can be transferred from one Cash Credit Account to the Current Account without any voucher, this witness replied that same is done on the strength of vouchers and admitted that money can not be transferred from Cash Credit Account to Current Account, (without vouchers). This witness also admitted that there is a supervisor or a second key person/incumbent who monitors and checks the interest charged on various parties. He expressively answered that the supervisor verifies the above said transactions. MW2 also deposed that master change can only be done by the Branch Manager or head of the branch, for which supervisory password is required. It has also come in the evidence of MW2 that there was no complaint against the claimant herein from any quarter regarding overcharging of interest. MW 2 admitted that documents as mentioned in his affidavit were not generated in his presence and that the same are not certified by any officials of the Bank as per Banker's Evidence Act. There is also no evidence that original documents are in fact in possession of CBI or that the same have been filed in any court of law. Management has not tried to examine any witness nor the counsel has satisfied the Tribunal as to how the original of the above documents were not filed by the management.

17. Non production of the important documents like Audit Trial Report and Interest Calculation Sheet which were/are supposed to be in possession of the Management and which could throw proper light relating to the transactions allegedly manipulated/fabricated by the workman so as to favour M/s Micro Serve (A/c No.3815) leads this Tribunal to draw adverse inference against the Management as per Section 114(g) of the Indian Evidence Act.

18. From the evidence on record, as discussed above, it is crystal clear that (i) there was no complaint against the claimant/workman herein from any quarter regarding overcharging of interest, ii) the workman was simply working as reliever of ALEPM Operator to make entries in the computer system on the basis debit/credit vouchers; iii) it is the Supervisor or a second key person/incumbent who monitors, checks and verifies the transactions relating to interest charged on various parties and the concerned supervisor/second key person verifies such transactions. iv) money can not be transferred from Cash Credit Account to Current Account, (without vouchers) and (v) master change can only be done by the Branch Manager or Head of the branch, for which supervisory password is required. In the light of aforesaid procedure, it will be improper to conclude that the workman simply working as reliever of ALEPM Operator alone could forge/fabricate the entries without any aid/assistance of any Bank Officer having supervisory power over him. The Management has not proved on record any material documents viz. Interest Calculation Sheet, Day's Log Book, Audit Trial Report and/or Loan Policy Document in support of the debit or credit Transfer Vouchers relating to interest transactions allegedly forged by the workman.

19. It is worthwhile to mention here that in the charge-sheet Ex.WW1/1 (dated 8/2/1997) issued in Hindu language, it was specifically mentioned that a complaint was received against the workman herein but the Management has neither filed on record copy of the complaint which was stated to have been received against the workman, nor the said complainant has been examined. MW2 – sole witness of the Management admitted that there was no complaint against the claimant herein from any quarter regarding overcharging of interest. In the charge sheet Ex.WW1/1 it has been alleged that the workman had misappropriated a sum of Rs.18,57,930/- by transferring the same on various dates under the head "difference of interest recoverable and recoverable" into Current Account No3815 of M/s Micro Serve. But statement of the said CA No.3815 has not been filed on record to substantiate the alleged misappropriation of funds. Furthermore, the Enquiry Officer in his report has been able to pin-point that an amount of Rs.1,06,550/- being the aggregate of difference amount dated 18.12.1995 and 30.12.1995 has been siphoned off through the account of M/s Micro Serve. It was submitted on behalf of the claimant that the workman could be attributed only for the loss/misappropriate of Rs.1,06,550/-. Further, as against the said loss/misappropriation, the Management has already adjusted a sum of Rs.71,000.38 paise against the gratuity amount which was payable to the workman herein.

20. During the course of arguments, learned A/R for the Management strenuously argued that since the criminal court vide its judgement dated 22/2/2011 has already convicted the workman for offences under Section 420, 477-A read with Section 120-B of IPC and under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, this Tribunal may uphold the punishment awarded to the workman vide impugned order dated 30/3/2000. In this regard, it is worthwhile to mention here that firstly, the Management has not filed on record copy of the said judgement on record and lastly, the findings given by the criminal court is not binding on this Tribunal, moreso because this Tribunal is to arrive at a conclusion only on the basis of evidence adduced before it.

21. In view of the aforesaid discussion, this Tribunal is of the considered opinion that the Management has not been able to duly prove the charges as leveled against the workman vide chargesheet dated 8/2/1997 and resultantly, the action of the Management in terminating the services of the workman vide impugned order dated 30/3/2000 was unjustified and illegal and same is liable to be set aside.

Relief :-

22. As a sequel to the aforesaid discussion, this Tribunal has no hesitation to hold that the action of the Management in passing the impugned order of dismissal of the workman from service is illegal and void under the law.

23. Now the residual question is as to whether the workman is entitled to any incidental relief of payment of back wages and/or reinstatement of service with full back wages. It is undisputed fact that the workman joined the services of the Management bank as a clerk in the year 1982, whereas impugned dismissal order was passed on 30/3/2000 and thus,

he had rendered 18 years of continuous service with the Management against a post of regular and permanent character prior to his dismissal from service. **Perusal of the record shows that the workman/claimant must have by now attained the age of his superannuation.** The claimant while appearing as WW1 before this Tribunal on 29/3/2017 disclosed his age as 59 years and testified that he has been unemployed since after his dismissal from services and dependent on his family members. Management has not led any evidence to show that the workman was gainfully employed anywhere since after his dismissal from service.

24. Law is fairly well settled that relief of reinstatement with continuity of service can be granted where termination of service is found to be invalid. The Hon'ble Apex Court in case **"Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya"** reported as (2013) 10 SCC 324 has held as under :

"The propositions which can be culled out from the aforementioned judgments are :

- (i) In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule.
- (ii) Ordinarily, an employee or workman whose services are terminated and who is desirous of getting back wages is required to either plead or at least make a statement before the adjudicating authority or the Court of first instance that he/she was not gainfully employed or was employed on lesser wages. If the employer wants to avoid payment of full back wages, then I has to plead and also lead cogent evidence to prove that the employee/workman was gainfully employed and was getting wages equal to the wages he/she wads drawing prior to the termination of service. This is so because it is settled law that the burden of proof of the existence of a particular fact lies on the person who makes a positive averments about its existence. It is always easier to prove a positive fact than to prove a negative fact. Therefore, once the employee shows that he was employed, the onus lies on the employer to specifically plead and prove that the employee was gainfully employed and was getting the same or substantially similar emoluments."

25. The Hon'ble Apex Court also held that different expressions are used for describing the consequence of termination of a workman's service/employment/engagement by way of retrenchment without complying with the mandate of Section 25F of the Act. Sometimes it has been termed as ab initio void, sometimes as illegal per se, sometime as nullity and sometimes as non est. Leaving aside the legal semantics, we have no hesitation to hold that termination of service of an employee by way of retrenchment without complying with the requirement of giving one month's notice or pay in lieu thereof and compensation in terms of Section 25F (a) and (b) has the effect of rendering the action of the employer and nullity and the employee is entitled to continue in employment as if his service was not terminated. (*Anoop Sharma Vs. Executive Engineer, Public Health Division No.1 Panipat* (2010) 5 SCC 497).

20. A Bench of three Judges of the Hon'ble Supreme Court in the case of **Hindustan Tin Works Private Limited v. Employees of Hindustan Tin Works Private Limited** (1979) 2 SCC 80 held that relief of reinstatement with continuity of service can be granted where termination of service is found to be invalid. It would mean that the employer has taken away illegally the right to work of the workman contrary to the relevant law or in breach of contract and simultaneously deprived the workman of his earnings. If thus the act of employer is found to be totally illegal and arbitrary, in that eventuality the workman is required to be reinstated, with full back wages. Plain common sense also dictates that the removal of an order terminating the services of workmen must ordinarily lead to the reinstatement of the services of the workmen alongwith payment of back wages.

21. However, Hon'ble Apex Court in the case **General Manager, Haryana Roadways Vs. Rudan Singh, reported as 2005 SCC (L&S) 716** observed as under :—

"8. There is no rule of thumb that in every case where the Industrial Tribunal gives a finding that the termination of service was in violation of Section 25-F of the Act, entire back wages should be awarded. A host of factors like the manner and method of selection and appointment i.e. whether after proper advertisement of the vacancy or inviting applications from the employment exchange, nature of appointment namely, whether ad hoc, short term, daily wage, temporary or permanent in character, any special qualification required for the job and the like should be weighed and balanced in taking a decision regarding award of back wages. ***One of the important factors which has to be taken into consideration is the length of service, which the workman had rendered with the employer. If the workman has rendered a considerable period of service and his services are wrongfully terminated, he may be awarded full or partial back wages keeping in view the fact that at this age and the qualification possessed by him he may not be in a position to get another employment. However, where the total length of service rendered by a workman is very small, the award of back wages for the complete period i.e. from the date of termination till the date of the award, which our experience shows is often quite large, would be wholly inappropriate. A regular service of permanent character cannot be compared to short or intermittent daily wage employment though it may be for 240 days in a calander year.***"

27. Yet in another latest case of **Bholanath Lal and others Vs. Shree Om Enterprises (P) Ltd., Manu/DE/1922/2018** (decided on 10/5/2018), Hon'ble High Court of Delhi while considering the question of illegal termination and reinstatement held as under :—

“The cases in which the competent court or tribunal finds that the employer has acted in gross violation of the statutory provisions and/or the principles of natural justice or is guilty of victimizing the employee or workman, then the court or tribunal concerned will be fully justified in directing payment of full back wages. In such cases, the superior courts should not exercise power under Article 226 or 136 of the Constitution and interfere with the award passed by the Labour Court, etc. merely because there is a possibility of forming a different opinion on the entitlement of the employee/workman to get full back wages or the employer's obligation to pay the same. The courts must always keep in view that that in the cases of wrongful/illegal termination of service, the wrongdoer is the employer and the sufferer is the employee/workman and there is no justification to give a premium to the employer of his wrongdoings by relieving him of the burden to pay to the employee/ workman his dues in the form of full back wages.”

A similar view has been taken in the case of **Delhi Jal Board Vs. Vimal Kumar (decided on 5-4-2018) MANU/de/1322/2018** wherein service of a casual driver was terminated without any notice or payment of one month's salary in lieu of such notice. The Industrial Tribunal answering the reference held the action of the management to be illegal and in violation of Section 25-F of the Act. The Award was upheld by Hon'ble High Court of Delhi by observing as under :—

“In view of the above discussion, I am unable to discern any illegality or infirmity in the impugned Award, dated 29th May, 2003, of the Labour Court, to the extent that it holds the termination of the services of the respondent, by the petitioner, to be illegal and unlawful. I am entirely in agreement with the finding, of the Labour Court, that the services of the respondent were retrenched in violation of Section 25-F of the ID Act and that, therefore, he was entitled to be reinstated in service with all consequential benefits. In view of the fact that going by the age of the respondent as disclosed in the counter affidavit filed before this Court, he would, today, be only 50 years of age, and also in view of the fact that the termination of his services as SCM Driver was not on account of any deficiency or shortcoming detected in the manner of discharge by the respondent, of his duties as such, I am of the opinion, that the facts of the present case, do not warrant any interference with the direction, of the Labour Court, to the petitioner to reinstate the respondent in service with the benefit of continuity of service. The petitioner is, therefore, directed to reinstate the respondent in service forthwith.

Inasmuch as the respondent has not been rendering any service to the petitioner since the date of his termination, however, the back wages payable to the respondent would be limited to 50 per cent of the wages which he would have drawn had he continued to serve the petitioner.....”

23- Having regard to the legal position as discussed above and the fact that the claimant was performing duty to a post of regular and permanent character, this Tribunal is of the firm view that the claimant herein is entitled for relief of reinstatement with continuity of service on the same post, with 50 per cent back wages & all consequential benefits, inasmuch as termination/ dismissal of the claimant/workman from service is per-se illegal. Award is passed accordingly.

Date :18.09.2018

AVTAR CHAND DOGRA, Presiding Officer